



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

## **GLOBAL INITIATIVE NEWSLETTER 22** **(JANUARY 2013)**

Welcome to the first newsletter of 2013. Last month, we published our latest Global Report on progress towards universal prohibition of corporal punishment (see below for details of how to obtain a copy). We begin the new year with news of a high level meeting at the UPR focusing on how to increase progress towards prohibition as well as reports of current discussions on draft laws and bills at national level, plenty of active campaigns and calls for prohibition, recent recommendations on the issue by human rights treaty bodies and more research studies to add to the growing bank of evidence to support calls for reform.

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- 2. Campaigns and calls for prohibition** – promoting law reform in Bangladesh, China, Hong Kong, Ghana, Liberia, Nigeria, Pakistan, Philippines, Rwanda, UK (Wales) and the US; news from India, Japan and New Zealand
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# 1 GLOBAL PROGRESS

## **\*GLOBAL REPORT 2012 NOW AVAILABLE\***

The Global Initiative's global progress report for 2012 is now available, published jointly with Save the Children. *Ending legalised violence against children: Global report 2012* – the seventh report following up the UN Study on Violence against Children – reviews the progress and delays in prohibiting corporal punishment of children throughout the world, with examples of regional and national developments. It shows how prohibiting corporal punishment is not only a child rights issue but is closely linked with ending violence against women, the rights of persons with disabilities, and the right to health. It lists the 33 states which have achieved prohibition in all settings, the 26 which have not fully prohibited corporal punishment in any setting, the 75 which have accepted recommendations on corporal punishment made during the UPR, the 28 which have rejected such recommendations and the more than 80 states with immediate legislative opportunities to enact prohibition.

In a message for the report, Marta Santos Pais, Special Representative of the UN Secretary General on Violence against Children, describes it as a “thoughtful and rich contribution to the global agenda to end violence against children”. Professor Paulo Sérgio Pinheiro, the Independent Expert who led the UN Study, writes:

*“The Global Initiative has painstakingly mapped the legality and prevalence of corporal punishment in every state, as well as the cumulative pressure on states from human rights monitoring bodies including now the Universal Periodic Review. The detailed analyses make all too clear that states must be kept under unrelenting and explicit pressure to fulfil their immediate human rights obligations to end the legality of violent punishment of children. States cannot plead lack of resources to delay extending to children full protection under the law....”*

The report is available [online](#); for hard copies email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org).

## **\*CORPORAL PUNISHMENT EVENT AT THE UPR\***

As a reflection of the high profile given to ending corporal punishment of children in the Universal Periodic Review at the Human Rights Council, the Permanent Missions of Finland, Tunisia and Uruguay hosted a panel discussion during the 15th UPR session in Geneva in January 2013. The event in the Palais des Nations focussed on global progress and was attended by about 100 state and civil society representatives. It considered the challenges involved and debated how to achieve universal prohibition to fulfil children's rights to respect for their human dignity and physical integrity. Brief presentations by an expert panel were followed by discussion. The panel members were: Laura Dupuy Lasserre (Permanent Representative of Uruguay), Kyung-Wha Kang (Deputy Commissioner for Human Rights), Paulo Sérgio Pinheiro (Independent Expert of the UNSG's Study on Violence against Children), Marta Santos Pais (UNSR on Violence against Children – by video presentation), Jean Zermatten (chairperson Committee on the Rights of the Child), Jean Claude Legrand (Senior Regional Advisor on Child Protection at the UNICEF Central and Eastern Europe Regional Office) and Peter Newell (Coordinator, Global Initiative).

For further news about the UPR, see section 3 below.

### **Positive moves towards law reform**

*Argentina:* A new [draft Civil and Commercial Code](#) is under discussion which includes prohibition of all forms of corporal punishment; the Civil Code 1998, article 278 of which confirms the parental

“power to correct” children, is repealed. We are currently seeking to ensure that the proposed text of the prohibiting article (647) leaves no loophole that might be interpreted as allowing “light” corporal punishment.

*Benin:* The draft Children’s Code currently under discussion prohibits corporal punishment of children in all settings. Article 52 states (unofficial translation): “The State shall ensure that, in the family, schools, public and private institutions, discipline is free of corporal punishment or any other form of cruel or degrading treatment.”

*Brazil:* Draft legislation is under discussion which would prohibit corporal punishment in all settings. The Bill has been approved in the Lower House but is still awaiting debate in the Senate.

*Grenada:* The Juvenile Justice Act 2012 has been passed and assented to by His Excellency the Governor-General. The Act explicitly prohibits whipping and flogging as a sentence of the courts for persons under the age of 18. The date of commencement is still to be determined.

*India:* The proposed Prohibition of Unfair Practices in Schools Bill 2012, drafted by the Central Advisory Board of Education, states in article 6(7): “No school shall indulge in any kind of corporal punishment on its students.” It would apply to the whole of India except Jammu and Kashmir; it defines a child as male or female age 5-17 (art. 2). There have been calls from teaching organisations for widespread public debate on the bill before its text is formally agreed. Note: Corporal punishment is prohibited in schools in India in the Right to Free and Compulsory Education Act 2009, but this applies only to 6-14 year olds. The Ministry of Women and Child Development has started consultation on a Juvenile Justice (Amendment) Bill, including legislation to fulfil the Government’s commitment to prohibit corporal punishment in all settings.

*Jamaica:* A number of Bills are under discussion which would remove the provisions for judicial flogging and whipping from the statute books – the Larceny (Amendment) Bill 2012, the Law Reform (Flogging and Whipping) (Abolition) Bill 2012 and the Obeah (Amendment) Bill 2012.

*Peru:* Draft legislation is under discussion which aims to prohibit all corporal punishment.

*Philippines:* A number of bills which would prohibit corporal punishment are pending in the Senate – the Positive Discipline and Anti-Corporal Punishment Bill (SB 873 and its counterpart HB4455), a Bill to amend the Family Code (SB1597) and a Bill to amend the Special Protection of Children Against Abuse, Exploitation and Discrimination Act (SB 1107).

*Swaziland:* The Children’s Protection and Welfare Act (2012) prohibits corporal punishment as a sentence of the courts. The Act has now been published in the Gazette and will come into force at a time to be determined by the responsible Minister.

*Uganda:* The Draft Children Act (Amendment) Bill – which prohibits corporal punishment of children – has now been submitted to the Legislative Council, Ministry of Justice and Constitutional Affairs for technical review. It is anticipated that it will be tabled in Parliament this year.

*Trinidad and Tobago:* The Children Act 2012 received royal assent on 6 August: it prohibits corporal punishment by all persons except parents/guardians and therefore achieves prohibition in schools, in penal institutions, in alternative care settings and as a sentence for crime. Currently the Act is still awaiting Proclamation in order for it to come into force.

### **Law reform continues in countries which have already achieved prohibition in all settings**

*Kenya:* The Basic Education Bill 2012, which confirms the prohibition of corporal punishment in schools, school correctional facilities and borstal institutions (see newsletter no. 21) has passed its second reading.

*South Sudan:* The General Education Bill 2012 which confirms prohibition in schools is still under discussion.

## **Other developments**

*Egypt:* According to news reports, Dar al-Iftaa al-Masriya issued a fatwa in November prohibiting corporal punishment in schools, saying the phenomenon conflicts with the teachings of Islam and damages the educational process. The fatwa reportedly states: “According to sharia, abuse of all forms is banned. The Prophet, peace be upon him, is our first teacher and he was never known to have hit a child.... The truth is, school beatings these days have been stripped of any educational value and have instead become a way for excessive corporal punishment and sometimes used for revenge and this, without doubt, is forbidden.” The move followed several reports of children being subjected to violence at school, including being hit and flogged and having their heads shaved. (*Al-Shorfa.com*, 20 November 2012)

## **But ...**

*Egypt:* The new Constitution was adopted following a referendum in December 2012. We have yet to see the final text as adopted, but in its draft form it provided for respect for the human dignity of every person and stated that no person should be subjected to humiliation under any circumstances, including persons in conflict with the law (arts. 28, 33 and 34), and protects children’s rights generally (art. 71); it does not explicitly prohibit all corporal punishment and other cruel, inhuman or degrading treatment or punishment, and it provides for Islamic Sharia as the main source of legislation (art. 2).

*Maldives:* While the Maldives Government has been publicly committed to prohibiting all corporal punishment of children, the infliction of corporal punishment under Islamic Sharia law continues to be reported. A case in January concerned a 15 year old girl at risk of being flogged for having sex; as a minor she would not receive the punishment until she reaches 18. (*The Courier Mail*, 7 January 2013)

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## **2 CAMPAIGNS AND CALLS FOR PROHIBITION**

*It is with deep sadness that we report the death of Corinne Robertshaw. A tireless advocate for law reform to prohibit corporal punishment in Canada, Corinne campaigned for many years for the repeal of section 43 of the Canadian Criminal Code, which provides for the use of force by way of correction, leading the Repeal 43 Committee.*

### **National campaigns and calls for prohibition**

*Bangladesh:* The launching ceremony of the “Campaign to end corporal punishment against children in Bangladesh” took place in December 2012, jointly organised by the Bangladesh chapter of the South Asian Initiative to End Violence Against Children (SAIEVAC, the SAARC Apex Body for Children) and the National Action and Coordination Group (NACG) in Dhaka. State Minister for Women and Children Affairs Shirin Sharmin Chaudhury spoke as chief guest and emphasised the importance of implementing the Government’s directive to end corporal punishment of children. The importance of law reform was also stressed by SAIEVAC Director General Dr Rinchen

Chophel and NACG Co-chair Advocate Salma Ali. Tariq-ul-Islam, secretary of the Ministry of Women and Children Affairs also spoke. For further information on the SAIEVAC inter-governmental regional campaign against corporal punishment, see the [campaign website](#).

**China:** The involvement of teachers in a child abuse case in Zhejiang province has led to calls for new child protection laws and public debate on the use of corporal punishment. The teachers had been involved in posting images on the web of children being lifted off the ground by their ears, having their mouths taped and other humiliating punishments. (*ImagineChina*, 1 November 2012)

**China-Hong Kong:** Director of NGO Against Child Abuse Jessica Ho Oi-chu called for child protection laws to be reviewed in order to prohibit corporal punishment. She cited figures for cases handled by the organisation which, although lower than the previous year, were nevertheless worryingly high. (*The Standard*, 19 November 2012)

**Ghana:** The Ghana National Education Campaign Coalition (GNECC), ActionAid-Ghana and Songtaba called for stronger advocacy, including legal advocacy, against corporal punishment and the promotion of positive discipline in homes and schools, warning that Ghana may not achieve the Education for All or the Millennium Development Goals if barriers to education, including corporal punishment, are not completely removed (*ModernGhana.com*, 22 December 2012). GNECC has since 2008 been running the Stop Violence against Girls in Schools project, which aims to ensure that girls are able to enjoy their rights to education and participation in a violence-free environment. In collaboration with ActionAid-Ghana and partners, GNECC is developing a Positive Discipline Pack. For further information contact [awo.gnecc@gmail.com](mailto:awo.gnecc@gmail.com).

**Liberia:** On 9 December 2012, the Liberian Council of Churches (LCC) held a one-day special ecumenical intercessory prayer service in honour of children in Liberia on the theme “Train a child in the way that he should grow as enshrined in Proverbs 22:6 of the Bible”. Participants came from traditional and visiting congregations, children groups, orphanages and homes for the disabled, UNICEF and the Inter-Religious Council of Liberia. In his address, LCC representative James Gayflor called for an end to legalised violence against children, prohibition and elimination of corporal punishment in all alternative care and day care settings, and an end to the violation of children’s rights by harmful practices based on traditions, culture, religion or superstitions. (*The Analyst*, 10 December 2012).

**Nigeria:** Parents in Lagos State called for the abolition of corporal punishment in schools across the country, calling it an outdated and unacceptable practice. The call came after the death of a 12 year old student in Anambra State after she was allegedly flogged by her teacher for failing to do her homework. (*Naija Things*, 5 November 2012)

**Pakistan:** As political parties begin to draft their election manifestos, Advocate in the Supreme Court of Pakistan Anees Jilani has called for them to incorporate child rights issues, including the imperative to prohibit corporal punishment. (*Pakistan Christian Post*, 28 January 2013)

**Philippines:** No Kidding! is a campaign for the enactment of the Positive Discipline and Anti-Corporal Punishment Bill.

**Rwanda:** In December 2012, the National Commission for Children (NCC) carried out 16 days of awareness campaigns against violence against children. NCC Executive Secretary Zaina Nyiramatama noted that corporal punishment, including severe beatings, was amongst cases of violence against children reported to the Police One Stop Centres in Kigali. The NCC plans to deploy community based childcare volunteers and a psycho-social team across the country and to start children’s forums in all schools. (*The New Times*, 4 December 2012)

**UK, Wales:** At a vigil service held in Cardiff to mark Universal Children’s Day and dedicated to ending legalised violence against children, Archbishop of Wales Dr Barry Morgan stated: “Jesus believed that children were not just an asset for the future or a commitment to be undertaken for the

sake of society. They were of infinite value as children. They deserved as much respect and care as any other human being.... How can we ever think that smacking or using physical force on children can ever be right. None of us would ever dream of smacking an adult, why should we think smacking a child is any more acceptable. They too are made in God's image, valued as the individuals they are. That does not mean that anything goes as far as bringing up children is concerned – but it does rule out physical punishment.” During the service, which was supported by the NGO Children in Wales as well as the Children are unbeatable! Alliance in Wales, Dr Morgan washed children's feet and church leaders lit candles in prayer to remember children who have suffered violence. Messages of support for the prohibition and elimination of corporal punishment were read out by Welsh Assembly Members and from the Global Initiative to End All Corporal Punishment of Children. A joint statement supporting the removal of the “reasonable punishment” defence from legislation was signed by Welsh Christian leaders.

Speaking during a discussion on the annual report of the Children's Commissioner for Wales, Plaid Cymru Assembly Member Lindsay Whittle called on the Welsh Government to ban the smacking of children: “Just as the Assembly was the first legislative body to appoint a children's commissioner in the United Kingdom, I want it to be the first to pass a law banning smacking and throwing out the defence of reasonable chastisement. ... The Welsh Government prides itself on putting children first. Let us see that promise translated into action with regard to the banning of the smacking of children...” (*CaerphillyObserver.co.uk*, 27 November 2012)

**US:** Parents and Teachers Against Violence in Education continues to provide resources to support advocates against corporal punishment in homes and schools. A key tool in bringing the issues to the attention of educators, healthcare professionals and others interested in protecting children from violence and abuse is the booklet Plain Talk about Spanking, first published in 1992, most recently updated in 2011. The organisation is keen to alert child rights advocates to its availability.

### **And ...**

**India:** Speaking at the inauguration of a national women teachers' convention jointly organised by the School Teachers' Federation of India and the Karnataka State Primary Teachers' Association, chairperson of the National Commission for Protection of Child Rights Shantha Sinha called on teachers to implement the Right to Education Act in its entirety, including the prohibition of corporal punishment. Ms Sinha urged teachers to make a pledge not to use the stick to punish students. (*The Hindu*, 30 December 2012)

Activists in Jaipur urged the Rajasthan Government to adopt strict laws to protect children from corporal punishment, as a 9 year old girl died from complications following an injury sustained while being physically punished at a private school. Members of the People's Union for Civil Liberties (PUCL) wrote an open letter to Chief Minister Ashok Gehlot demanding legal reform to deal with such incidents, alleging that no action had been taken against the teacher in this particular case. (*Press Trust of India*, 18 November 2012)

**Japan:** Corporal punishment has been the subject of much media debate following the suicide of a 17 year old student after being beaten repeatedly by his basketball coach. Prominent sports personality Kuwata, ex-pitcher of the Yomiuri Giants, spoke out against physical punishment in sports, saying that it doesn't make one stronger and that methods in sports training should be adapted to the times. (*The Japan Daily Press*, 14 January 2013)

**New Zealand:** Corporal punishment in all settings including the home has been unlawful in New Zealand since 2007. Faith communities played a significant role in achieving law reform and are active in supporting its implementation, working with the Children's Commissioner. December

2012 saw the launch of “[Faith Communities Against Family Violence: A National Statement](#)”, signed by representatives from over 40 faiths throughout New Zealand. It states: “Family violence is completely unacceptable and is never justified. Often the most vulnerable victims of violence are children, and it is here that we are taking a stand. Our children deserve the best we can offer them.” Signatories have committed themselves to specific actions on the issue reflecting their roles in society. As part of the same initiative, the Hindu Council of New Zealand issued a similar statement based on Hindu Dharma.

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## 3 HUMAN RIGHTS MONITORING

### Key decisions and recommendations, etc

The **Committee Against Torture** published its concluding observations following its 49<sup>th</sup> session in October/November 2012. Recommendations on corporal punishment were made to most of the states examined. For further details see the Global Initiative’s country reports for [Gabon](#), [Peru](#), [Qatar](#), [Senegal](#), [Tajikistan](#) and [Togo](#).

The **Human Rights Committee** held its 106<sup>th</sup> session 15 Oct – 2 Nov 2012. Corporal punishment was included in the List of Issues for Bosnia and Herzegovina, Côte d’Ivoire and Portugal. The Committee welcomed the achievement of prohibition in all settings in Portugal (see the Global Initiative’s country report on [Portugal](#)). The examination of Côte d’Ivoire was postponed.

The **Committee on Economic, Social and Cultural Rights** held its 49<sup>th</sup> session 12-20 Nov 2012. The Committee’s concluding observations on Tanzania’s initial-third report included a recommendation to prohibit corporal punishment in all settings, including in the home and as a sentence for crime (see the Global Initiative’s country report on [Tanzania](#)).

The [Report of the UN High Commissioner for Human Rights on the right of the child to the enjoyment of the highest attainable standard of health](#) is now available. It includes violence among the health issues relating to children which require attention, and states in para. 56: “In the light of the impact of corporal punishment on children’s health, including fatal and non-fatal injury, as well as psychological and emotional consequences, corporal punishment and other cruel or degrading forms of punishment in all settings should be eliminated.” The report recommends that states “review national laws and policies and, where necessary, amend them to ensure consonance with fulfilling the right of the child to health” and that “comprehensive prohibition of all forms of violence against children, including practices that harm children’s health, should be included in legislation” (para. 94).

The [Report of the Secretary General on Prevention of violence against women and girls](#), prepared as follow up to the Fourth World Conference on Women and Girls to the 23<sup>rd</sup> special session of the General Assembly, examines strategies to prevent violence against women and girls, including corporal punishment. Its recommendations for future action for the consideration of the Commission on the Status of Women include to “develop programmes combining skills-building of respectful relationships and counselling support for children and young people exposed to violence to further avoid future perpetration of violence or victimization; adopt measures and programmes to address physical violence, including corporal punishment of children; and promote positive and non-violent parenting programmes”.

In November 2012, the Association of Southeast Asian Nations (ASEAN) adopted the [ASEAN Declaration on Human Rights](#). Article 14 of the Declaration states: “No person shall be subject to torture or to cruel, inhuman or degrading treatment or punishment.” The Declaration recognises that

“all persons are born free and equal in dignity and rights” (article 1) and that every person is entitled to the rights set out in the Declaration without discrimination of any kind, including discrimination based on age (article 2). The Declaration has met with considerable criticism, for example with regard to the lack of transparency and consultation in the process of its drafting and adoption, and to provisions in the Declaration such as article 8 which allows for the exercise of rights to be limited for the purpose of national security, public order, public health, public safety and public morality.

### **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: if you/your organisation are interested, please contact [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org).

Opportunities for briefing treaty bodies arise in relation to the Lists of Issues adopted for each state in advance of examination as well as in submitting information immediately prior to the examination of states by the Committees. The deadlines for submitting briefings relevant to upcoming sessions are set out below. The Global Initiative is always willing to advise NGOs and human rights institutions on the practical details of how to submit briefings (email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)).

#### *Committee on the Rights of the Child:*

Information on future sessions is not presently available; it will be posted at [www2.ohchr.org/english/bodies/crc/sessions.htm](http://www2.ohchr.org/english/bodies/crc/sessions.htm).

#### *Committee Against Torture:*

Session 50 (6-31 May 2013). States to be examined: Bolivia, Estonia, Guatemala, Japan, Kenya, Mauritania, Netherlands and UK. Opportunities for influencing the Lists of Issues have passed.

**Briefings for the examination should be submitted by 19 April 2013.**

#### *Committee on Economic, Social and Cultural Rights:*

(1) Session 50 (29 April to 17 May 2013). States to be examined: Azerbaijan, Denmark, Iran, Jamaica, Japan, Rwanda and Togo. Lists of Issues have already been adopted. **Briefings for the examination should be submitted by 15 March 2013.**

(2) Session 51 Pre-sessional Working Group (20-24 May 2013). Lists of Issues will be adopted for Austria, Belarus, Belgium, Bosnia and Herzegovina, China, Djibouti, Egypt, Gabon, Norway and Uzbekistan. **Briefings should be submitted by 1 April 2013.**

#### *Committee on the Elimination of Discrimination against Women:*

(1) Session 55 (July 2013, dates to be confirmed). States to be examined: Afghanistan, Bosnia and Herzegovina, Cape Verde, Cuba, DR Congo, Dominican Republic, Serbia, UK. **The deadline for briefings is still to be confirmed (usually two weeks before the start of the session).**

(2) Session 55 Pre-sessional Working Group (July 2013, dates to be confirmed). Lists of Issues will be adopted for Bahrain, Cameroon, Finland, Iraq, Kazakhstan, Senegal, Sierra Leone and Qatar. **The deadline for briefings is still to be confirmed (usually one month before the session starts).**

#### *Human Rights Committee:*

(1) Session 107 (11-28 March 2013). States to be examined: Angola, Belize, China-Macao, Paraguay and Peru. Opportunities for influencing the Lists of Issues have passed. **The deadline for submitting briefings for the examination is still to be announced.**

(2) Session 107 Country Report Task Forces will meet during the session. Lists of Issues will be adopted for Bolivia, Czech Republic, Djibouti, Indonesia, Mauritania, Mozambique, Tajikistan and the US. **Opportunities for influencing the Lists of Issues have passed.**

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

- (1) Session 9 (15-19 April 2013). Lists of Issues will be adopted for Australia, Austria and El Salvador; concluding observations will be adopted for Paraguay. **The deadline for briefings is 15 February 2013.**
- (2) The Committee is holding a half day of general discussion on women and girls with disabilities in April 2013. The Global Initiative has made a [submission](#) and is encouraging child rights advocates to do likewise. **The deadline for submitting information is 17 February 2013.**

#### **The Universal Periodic Review**

The obligation to prohibit and eliminate corporal punishment of children continues to be raised with states in the Universal Periodic Review of their overall human rights records. The Global Initiative submits briefings on every state being reviewed, sharing advance draft briefings with relevant organisations to encourage submissions at national level. We also conduct a follow up programme, pursuing the issue with states that accept recommendations to prohibit corporal punishment by writing to key NGOs, NHRIs and Government ministers, and undertake ongoing analysis of coverage of the issue in all aspects of the UPR process (for further information email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)).

The second cycle of the UPR is now well under way. At the 14<sup>th</sup> session, held in October/November 2012, 11 of the 14 states reviewed faced questions and/or recommendations on their record in implementing children's right to legal protection from corporal punishment, including in the home. Seven of these had been challenged on the issue at their previous reviews in 2008. Recommendations to prohibit all corporal punishment of children were accepted by the following states: [Benin](#), [Ghana](#), [Guatemala](#), [Peru](#) and [Zambia](#). The following states received recommendations to prohibit all corporal punishment but have yet to respond formally: [Argentina](#), [Czech Republic](#), [Japan](#) and the [Republic of Korea](#). Recommendations to address corporal punishment were also made to – and accepted by – [Gabon](#), but they did not specifically refer to prohibition through law reform; [Switzerland](#) accepted a recommendation to raise awareness on the negative effects of corporal punishment but is yet to respond to the recommendation to prohibit it in the home.

Session 15 is now in progress. Recommendations on corporal punishment have been made to [Bahamas](#) (response due June 2013), [Barbados](#) (response due June 2013), [Botswana](#) (rejected), [France](#) (response due June 2013), [Montenegro](#) (accepted), [Romania](#) (response due June 2013), [Tonga](#) (full response due June 2013). At the time of writing, information is not yet available for Liechtenstein, Serbia and the United Arab Emirates.

Opportunities for submitting briefings for the 16<sup>th</sup> session of the UPR, to be held in April/May 2013, have now passed. The deadlines for briefing the 17<sup>th</sup> session (October/November) are:

**4 March 2013** – China, Jordan, Mexico, Mauritius, Nigeria, Saudi Arabia and Senegal

**11 March 2013** – Belize, Central African Republic, Chad, Malaysia, Malta, Monaco and Republic of Congo

Tentative deadlines for future sessions are available [here](#).

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## 4 RESEARCH AND REPORTS

### International and regional reports

*Africa*: A report by the AfricaWide Movement for Children highlights the progress made by African governments working closely with international and civil society partners in eight key priority areas, including the protection of children from abuse, violence, neglect and exploitation. In this context, the report describes the legality of corporal punishment and progress towards its prohibition in a number of African states. (AMC (2012), *An Africa Fit for Children: Progress and challenges*, Kampala: AfricaWide Movement for children)

Two reports by the African Child Policy Forum examine the progress made in harmonising national laws with international and regional human rights standards. They comprise a compilation of country briefs, updating previous research on the issue including analysis of the legality of corporal punishment. (ACPF (2012), *Harmonisation of Children's Laws in West and Central Africa*, Addis Ababa: The African Child Policy Forum; ACPF (2012), *Harmonisation of Children's Laws in Eastern and Southern Africa*, Addis Ababa: The African Child Policy Forum)

*Europe*: A study involving focus groups and face to face interviews with 104 13-22 year olds with experience of youth custody found that in Austria, young people in custody experienced solitary confinement and imprisonment in dark, dirty basement rooms for up to two weeks as punishment; young people in pre-trial detention described a group of prison guards who were considered to be particularly violent, the "Emergency Squad", who used special grips on young people and carried batons. In Cyprus, the majority of young people felt that violence was used by staff in custodial settings as a punishment, a form of coercion or as a means to show power. In the Netherlands, young people experienced physical violence and solitary confinement lasting up to two months as a punishment, as well as group punishments including being confined to their rooms and forbidden to attend school. Young people in England felt that physical restraint was used as a punishment. (Children's Rights Alliance for England (2013), *Speaking Freely: Children and Young People in Europe Talk about Ending Violence Against Children in Custody – Research Report*, London: CRAE)

*Latin America and the Caribbean*: A new report which analyses data from interviews with more than 180,000 women in 12 countries in Latin America and the Caribbean shows the links between partner violence against women and corporal punishment of children. For all countries with data on the topic, the proportion of women who said that children in their current home were punished by being hit, beaten or slapped was higher among those who experienced partner violence than among those who did not experience partner violence. And the proportion of women who reported experiencing partner violence was far higher among those who had been beaten as children than among those who had not been beaten as children – at least twice as high in most cases. (Bott, S. et al (2012), *Violence Against Women in Latin America and the Caribbean: A comparative analysis of population-based data from 12 countries*, Washington DC: Pan American Health Organisation & Centers for Disease Control and Prevention)

### National research and reports

*Armenia*: The 2010-2011 report of the Public Monitoring Group on the situation in the special education institutions of the Ministry of Education and Science, which studied 13 "special boarding schools" which provide alternative care to children, found that staff were violent towards children and also encouraged children to punish one another. (Reported in *Armenia Now*, 16 January 2013)

**Australia:** In 2012, the Education Department of Western Australia approved the use of “protective isolation” for 19 primary school children, most of whom had intellectual disabilities, in unfurnished “time-out” rooms. (Reported in *The Sunday Times*, 12 January 2013)

**Canada:** The Canadian Incidence Study of Reported Child Abuse and Neglect 2008, the third nationwide study to examine the incidence of reported child maltreatment, involved 112 child welfare service agencies in Canada, reporting on 15,980 child protection investigations. Nearly three quarters (74%) of all incidents of “substantiated physical abuse” were cases of physical punishment and 27% of “substantiated emotional maltreatment incidents” were initiated as a form of punishment. In the vast majority (17,212) of the estimated 18,688 cases of “substantiated physical abuse”, physical violence was the primary form of maltreatment. Of cases of physical violence, just over half (54%) involved children being slapped or “spanked”, 30% involved children being shaken, pushed, grabbed or thrown, 21% being hit with objects and 8% being punched, kicked or bitten. (Jud, A. & Trocmé, N. (2013), *Physical Abuse and Physical Punishment in Canada*, Child Canadian Welfare Research Portal Information Sheet # 122)

A questionnaire study involving 712 medical students (74% female) at Laval University in Québec between 2006 and 2011 found that 22% of them were in favour of corporal punishment of children. Of men who took part, 31% were in favour of corporal punishment; of women, 18% were in favour. Of students who had experienced corporal punishment as children, 36% were in favour of it, compared to 4% of students who had not experienced corporal punishment as children. (Labbé, J. et al (2012), “The opinion of Québec medical students on corporal punishment”, *Paediatric Child Health* 17(9), 490-494)

**India:** In a survey of 4,022 parents in 10 cities in India carried out by the Podar Institute of Education, 65% of respondents said they had “spanked” their children. Mothers were more likely than fathers to hit their children, with 77% of mothers having done so. (Reported in *Times of India*, 1 November 2012)

**Kenya:** In a national survey carried out in 2010, nearly half of the 13-17 year olds involved (48.7% of girls and 47.6% of boys) reported having been slapped, pushed, punched, kicked, whipped, beaten or threatened or attacked with a weapon in the past year. Two thirds (66%) of females and 73% of males aged 18-24 reported experiencing this before they were 18. Perpetrators included authority figures, parents and adult relatives. The survey involved 1,306 females and 1,622 males aged 13-24. (UNICEF Kenya Country Office et al (2012), *Violence against Children in Kenya: Findings from a 2010 National Survey*, Nairobi: UNICEF Kenya Country Office, Division of Violence Prevention, National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention & Kenya National Bureau of Statistics)

**Morocco:** A 2012 study by Human Rights Watch documented beatings and insults used as punishments for child domestic workers by their employers. Virtually all child domestic workers in Morocco are girls; the 20 girls interviewed for the report had begun work aged 8-15. (Human Rights Watch (2012), *Lonely Servitude: Child Domestic Labor in Morocco*, NY: Human Rights Watch)

**Namibia:** A situation analysis done by the National Planning Commission found that bullying and corporal punishment are very common in Namibian schools, and that girls in school hostels are vulnerable to rape and sexual harassment. More than 22.6% of pupils interviewed said they had been verbally teased, insulted and intimidated at school. More than 18% said they had been hit, kicked or punched at school, and 17.3% said they had been threatened with harm at school. (Reported in *The Namibian*, 21 December 2012)

**Pakistan:** A 2012 report on violence against children in police and pre-trial detention stated that corporal punishment is inflicted on children as a disciplinary measure in pre-trial detention.

(Sheahan, S. & Randel, B. (2012), *A review of law and policy to prevent and remedy violence against children in police and pre-trial detention in eight countries*, Penal Reform International & UKaid)

**Saudi Arabia:** A 2012 study involving 700 people aged 40-60 in Saudi Arabia found that those who had been beaten once every six months or more by their parents during childhood were more likely to develop cancer and asthma as adults; those who had been beaten once or more per month were also more likely to develop cardiac disease; being insulted by parents during childhood was associated with a greater risk of all three diseases. The study controlled for demographic factors including level of parental education. The researchers suggest that the links are due to the stress caused by the beatings and insults, which in turn leads to an increased risk of disease. (Hyland et al (2012), “Beating and insulting children as a risk for adult cancer, cardiac disease and asthma”, *Journal of Behavioral Medicine*, 29 September 2012)

**Taiwan:** In a 2012 survey carried out by the Humanistic Education Foundation, only 4.62% of the 1,112 junior high school students and 10.92% of the 1,112 elementary school students interviewed had never seen corporal punishment at their schools. The results indicated that corporal punishment – defined as “spanking” and/or forcing students to stand still, maintain a certain position or perform particular actions (for example, forcing them to run around the playground) – was used in around 90% of elementary and junior high schools in Taiwan. Violent verbal punishments were also common. (Reported in *Focus Taiwan*, 20 November 2012)

**US:** A 2012 investigation by the *Tampa Bay Times* into more than 30 private Christian children’s homes in Florida found that corporal punishment was very common in some of the homes. Punishments experienced by children living in the homes included being beaten, pinned to the ground, choked, handcuffed, forced to maintain uncomfortable positions, forced to exercise, threatened and humiliated. (Reported in *Tampa Bay Times*, 28 October 2012)

### And ...

A new book – *The World Until Yesterday*, by Jared Diamond – examines the practices, including childrearing practices, of traditional societies. It reports that most hunter/gatherer and small-farming societies do not use corporal punishment, and suggests that this is one factor which contributes to the healthy development of children in these societies: infants spend less time crying, children develop faster and adolescents are less likely to experience “identity crises” than in other societies. (Reported in *The Guardian*, 11 January 2013)

A study involving 3,870 families found that children who were “spanked” when they were less than a year old were more likely to be aggressive at the age of 3 and to be depressed or anxious at the age of 5. (Gromoske, A. N. & Maguire-Jack, K. (2012), “Transactional and Cascading Relations Between Early Spanking and Children’s Social-Emotional Development”, *Journal of Marriage and Family*, 74, 1054–1068)

A study of 10 group-training parenting programmes found that all mentioned corporal punishment and nine explicitly and one implicitly aimed to discourage its use. Programmes offered two to five alternatives to corporal punishment. The reasons given by programmes that parents should not use corporal punishment varied: the most common was that corporal punishment teaches children it is acceptable to use violence to solve problems; other were that it causes resentment and non-compliance, teaches children to do “bad things” as long as they don’t get caught, physically harms children and causes fear and low self-esteem. Of the five most common reasons, two focused on how corporal punishment can harm a child, and three focused on ways in which it is “ineffective” or “counterproductive”. (Voisine, S. & Baker, A. J. L. (2012), “Do Universal Parenting Programs

Discourage Parents From Using Corporal Punishment: A Program Review”, *Families in Society*, 93(3), 212-218)

A study of the implementation of the Convention on the Rights of the Child in 12 countries, which aims to analyse the most effective, practical and impactful ways of embedding children’s rights into UK domestic law, notes that in 2007 New Zealand became the first Westminster-style government to prohibit corporal punishment and highlights the significance of the 2000 prohibition of corporal punishment in Germany for children’s rights. (Lundy, L. et al (2012), *The UN Convention on the Rights of the Child: a study of legal implementation in 12 countries*, UNICEF UK & Queen’s University Belfast)

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## 5 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 including for law reform – to list on our website. If you can help please email [elinor@endcorporalpunishment.org](mailto: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](mailto:elinor@endcorporalpunishment.org)).

### 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](mailto:info@endcorporalpunishment.org).

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We hope you find this newsletter informative and useful and welcome your comments: email [info@endcorporalpunishment.org](mailto: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](mailto:info@endcorporalpunishment.org). If your organisation has not done so already, please consider signing up in support of prohibition of all corporal punishment (online at

[www.endcorporalpunishment.org](http://www.endcorporalpunishment.org) or email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)). To receive the latest developments between newsletters, sign up to RSS feeds at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org).

*“Violence against children, including corporal punishment, is a violation of the rights of the child. It conflicts with the child’s human dignity and the right of the child to physical integrity. It also prevents children from reaching their full potential, by putting at risk their right to health, survival and development. The best interests of the child can never be used to justify such practice. Eliminating violence against children is not only a human rights imperative, but it is also a means to bring about social changes and attitudes.”*

(Kyung-Wha Kang, Deputy High Commissioner for Human Rights, OHCHR, Statement at Panel Discussion on “Ending corporal punishment of children”, UPR 15th session, January 2013)