

# Global Initiative to End All Corporal Punishment of Children

Newsletter 28 (September 2014)



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End All Corporal Punishment  
of Children

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## Major developments

### Brazil and Bolivia prohibit all corporal punishment

On 27 June 2014, the President of **Brazil** signed into law amendments to the Code on Children and Adolescents 1990 which explicitly prohibit physical punishment and other cruel or degrading treatment of children, wherever they are and whoever the perpetrator. A new article 18-A is inserted into the Code (unofficial translation):  
*"Children and Adolescents are entitled to be educated and cared for without the use of physical punishment or cruel or degrading treatment as forms of correction, discipline, education or any other pretext, by their parents by the members of their extended family, by persons responsible for them, by public officials implementing social and educational measures or by any other person entrusted with taking care of them or treating, educating or protecting them...."*

With a child population of nearly 60 million children, Brazil is the largest country in the world to achieve prohibition of all corporal punishment. The prohibition raised the percentage of the global child population to be fully protected in law from all physical punishment from 5.5% to 8.2%.

On 17 July 2014, the President of **Bolivia** signed into law a new Children and Adolescents Code which explicitly prohibits all corporal punishment of children, including in the home. Article 146 provides for the "right to good treatment", stating (unofficial translation): *"The child and adolescent has the right to good treatment, comprising a non-violent upbringing and education, based on mutual respect and solidarity. (2) The exercise of the authority of the mother, father, guardian, family members and educators should use non-violent methods in parenting, education and correction. Any physical, violent and humiliating punishment is prohibited."* The Code came into force on 6 August 2014.

The two prohibitions bring the number of states which have prohibited all corporal punishment worldwide to 39, including six in Latin America, and the proportion of children fully protected in law from all corporal punishment to 8.4%.

### Meeting of regional inter-governmental organisations promotes prohibition

The [conclusions and recommendations](#) of a meeting of regional inter-governmental organisations state that representatives of the organisations have agreed to support the prevention and reduction of violence against young children, including through promoting law reform to ban all forms of violence against children including

corporal punishment. The Cross Regional Meeting for Advancing the Protection of Children from Violence was attended by representatives of CARICOM, the Council of the Baltic Sea States, the Council of Europe, the Inter-American Commission on Human Rights, the League of Arab States, MERCOSUR and the Latin-American and Caribbean Movement for Children. The meeting (30 June – 1 July 2014) was organised by the Special Representative of the Secretary General on Violence against Children and hosted by the Government of Jamaica in cooperation with UNICEF.

## **New UNICEF reports make violent punishment visible**

A major new UNICEF report, [\*Hidden in Plain Sight: A statistical analysis of violence against children\*](#), highlights that violent discipline is the most common form of violence against children and that more than two billion children worldwide are not legally protected from all corporal punishment.

Emphasizing that violent discipline violates children's rights as set forth in the Convention on the Rights of the Child, the report graphically illustrates the legal status of corporal punishment in the family home, schools and other settings worldwide. It underlines that most corporal punishment occurs at home, the setting in which it is least likely to be prohibited by law. Drawing on data from 62 countries or areas, the report states that about four in five children aged 2-14 are subjected to violent discipline in the home, and 17% experience severe physical punishment (being hit on the head, ears or face or being hit hard and repeatedly). In 23 of the countries, more than one in five children is subjected to severe physical punishment.

Another new UNICEF report, [\*Ending Violence Against Children: Six Strategies for Action\*](#), highlights that legislation outlawing corporal punishment sends a strong social message that violence is unacceptable and draws attention to the prohibition of all corporal punishment in 39 states worldwide.

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## **Other news**

### **Regional developments**

**Caribbean:** The tenth meeting of the Caribbean Community (CARICOM) Task Force for Child Rights and Child Protection was held in Trinidad on 22-23 May 2014. CARICOM's framework for monitoring the implementation of the Regional Framework of Action for Children 2002-2015, which was reviewed at the meeting, includes "Member Countries adopt explicit legal prohibition of corporal punishment against children and adolescents in all settings" as a priority action for 2013-2015.

**Europe:** At its meeting on 15-18 September 2014, the World Health Organization's Regional Committee for Europe will discuss a draft [resolution](#) which would adopt [\*Investing in children: the European child maltreatment prevention action plan 2015-2020\*](#). The action plan notes that in half the countries in the European Region, corporal punishment has not been prohibited in all settings.

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### **Progress towards prohibition**

**Chile:** The Government has indicated its commitment to prohibiting all corporal punishment, by accepting recommendations to prohibit in all settings including the home made during the Universal Periodic Review of its overall human rights records in January 2014.

**Comoros:** In signalling its commitment to prohibition by accepting recommendations to prohibit all corporal punishment made during the same Universal Periodic Review session as those to Chile (see above), the

Government reported that the new Criminal Code “contains provisions to criminalise corporal punishment”; the Global Initiative is researching this.

**India:** A draft Juvenile Justice Bill has been introduced in Parliament. An early version of the Bill sent out for consultation aimed at prohibiting corporal punishment in all settings, but the Bill as presented to Parliament prohibits only in childcare institutions.

**Pakistan:** In July 2014, the Punjab Right to Free and Compulsory Education Ordinance 2014, which prohibits corporal punishment in government schools for children aged 5-16 in the province, was enacted.

**USA:** A federal bill which would prohibit corporal punishment in schools is under consideration. The Ending Corporal Punishment in Schools Bill (H. R. 5005) would prohibit “paddling, spanking, or other forms of physical punishment, however light, imposed upon a student” (s12) in schools; it was sent to the Committee on Education and the Workforce on 26 June 2014. A [petition](#) calling for the bill to be passed has over 6,000 signatures.

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## Advocacy and calls for prohibition

**Australia:** Following prohibition in Brazil, in July 2014 child health experts from the Royal Australasian College of Physicians (RACP) urged Australian Governments to follow suit by banning all forms of physical punishment. The [call](#) follows a [position statement](#) which argued for prohibition, issued by the RACP’s Paediatric & Child Health Division in July 2013. Later in July, nearly 200 educational researchers in Australia signed an open [letter](#) to the Education Minister calling for prohibition of all school corporal punishment, in response to a public statement in support of school corporal punishment by the co-chair of a national review of the school curriculum.

**Singapore:** In August 2014, a challenge to the constitutionality of judicial caning was [heard](#) in the Court of Appeal. A decision is expected at a later date (*The Straits Times*, 25 August 2014). In the context of the case, Human Rights Watch’s Deputy Director (Asia) [called](#) for the immediate and unconditional abolition of judicial corporal punishment (*FMT News*, 22 August 2014).

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## Backward steps

**Guyana:** In June 2014, the Education Bill 2014 was tabled in the National Assembly. The bill does not prohibit corporal punishment. Corporal punishment is not mentioned in guidelines on discipline, but the bill allows for the Minister to make regulations in relation to corporal punishment. [Forward Guyana](#) is working for prohibition.

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## Resources for advocacy

### New Global Initiative briefings and submissions

#### New briefing for organisations promoting young children’s rights

The Global Initiative has produced a new briefing, [Young children’s right to an end to all violent punishment](#). Young children are among the most likely to experience corporal punishment and are most vulnerable to its many negative effects. Yet despite widespread concern about violence against young children in the home and elsewhere, the legal and social acceptance of violent punishment is rarely highlighted in child protection work in the early childhood sector. Similarly, the legality and practice of violent punishment is seldom explicitly addressed in the promotion of early childhood care and education services or in efforts to improve young children’s health and development. The briefing urges organisations promoting improved conditions for young children to incorporate advocacy for the prohibition and elimination of corporal punishment into their work on violence

against children, early childhood care and education, children's health and development and other related topics. Download the briefing here: [PDF/Word](#). Hard copies are available; email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org).

### **Submission to the Committee on the Elimination of Discrimination Against Women general discussion on the right to education**

The Global Initiative has made a submission to the Committee on the Elimination of Discrimination Against Women's July 2014 general [discussion](#) on girls'/women's right to education. The general discussion aimed to contribute to the preparation of a General Recommendation on the topic. The submission emphasises that legal protection from all corporal punishment, in the family home and all other settings, is girls' and boys' right, and that prohibiting corporal punishment is essential to fulfil the right to education. It highlights that school corporal punishment hinders access to education, perpetuates other kinds of violence in schools, impedes learning and is incompatible with education which promotes human rights. It calls for the General Recommendation on Girls'/Women's Right to Education to highlight the human rights imperative to prohibit corporal punishment in schools and all other settings. Download the submission here: [PDF/Word](#)

### **Submission on ending discrimination against women in family life**

The Global Initiative has made a submission to the Working Group on Discrimination Against Women in Law and Practice's [call for submissions](#) on Good Practices in the Elimination of Discrimination against Women in Family and Cultural Life. The submission highlights that prohibition of violent punishment of girls and boys is a key measure to end violence against girls and women and promote equality in family life. It calls on the Working Group to draw attention to the human rights imperative to prohibit all corporal punishment and to recommend that all states incorporate law reform to prohibit corporal punishment in strategies to address discrimination against women in the family in its report on Good Practices in the Elimination of Discrimination against Women in Family and Cultural Life. Download the submission here: [PDF/Word](#)

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### **Other resources**

**East Africa:** The new Children's Rights Education in East Africa ([CREATE](#)) online curriculum for health workers in Ethiopia, Kenya, Tanzania and Uganda [includes](#) information on progress towards prohibition of corporal punishment in the four countries. The curriculum, which is designed to provide health workers with a general introduction to children's rights and their application to day to day work practice, has been developed through a partnership between the MS Training Centre for Development Cooperation based in Arusha, Tanzania, the Open University in the UK and Child Rights Education for Professionals (CRED-PRO), an international programme committed to strengthening understand and application of children's rights in professional practice.

**Iran:** The [Human Rights and Democracy for Iran](#) project of the Abdorrahman Boroumand Foundation has produced an interactive [tool](#) which shows reports of known sentences of flogging in Iran, including of children, since 2000.

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### **News from the UN human rights system**

#### **Treaty bodies**

The **Human Rights Committee** held its 111th session in July 2014. Recommendations to prohibit and eliminate all corporal punishment of children were made to **Georgia, Ireland and Japan**. To **Sudan**, the Committee recommended abolition of corporal punishment (flogging and amputation) in the penal system.

The **Committee on the Elimination of Discrimination against Women** held its 58th session in June/July 2014. To **Swaziland**, the Committee recommended that corporal punishment of children be prohibited in all settings, particularly in schools. The Committee recommended to **India** that acts of corporal punishment of girls at school be prosecuted.

The **Committee on the Rights of the Child** held its 66th session in May/June 2014. The Committee reviewed progress towards prohibition and elimination of corporal punishment in all the states examined. The Committee noted the prohibition of corporal punishment in education and care institutions in **India** but expressed concern that prohibition in school applies only to 2-14 year olds, that there is no prohibition in non-institutional care settings or in the penal system throughout the state party, and that corporal punishment continues to be widely used in the family and other settings. The Committee recommended explicit prohibition of all forms of corporal punishment in all settings throughout the territory, together with comprehensive public education, promotion of positive, non-violent discipline, strengthening of complaints mechanisms, and systematic legal procedures against perpetrators of child abuse. To **Indonesia** the Committee reiterated its previous recommendations (2004) to prohibit corporal punishment in all settings, including the family and carry out relevant public education campaigns. The Committee expressed concern that despite recent reform in Jordan, the Criminal Code still provides for parents to discipline children within “culturally acceptable norms” and that a 2012 survey found 89% of children had been subjected to violent “discipline”. The Committee recommended the repeal of article 62 of the Criminal Code and prohibition of corporal punishment in all settings, together with sustained public education, the promotion of positive, non-violent discipline, and the engagement of society in the design and implementation of preventive strategies against corporal punishment. To **Kyrgyzstan** the Committee expressed concern at the ineffective implementation of laws prohibiting corporal punishment in schools and other institutions and at the lack explicit prohibition of corporal punishment in the home and foster care; the Committee recommended prohibition of corporal punishment in all settings, including the home. The Committee regretted that some of its previous recommendations to **St Lucia** – including on corporal punishment – had not been fully addressed. It noted efforts to consult on school corporal punishment but expressed concern that it is still seen as a lawful way of disciplining children and is widely used in the family and other settings. The Committee recommended strengthening and expanding awareness raising on the issue, the promotion of non-violent parenting and education, and the amendment of legislation to explicitly prohibit corporal punishment in the family, schools and institutions.

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### **Universal Periodic Review outcomes**

The obligation to prohibit and eliminate corporal punishment of children continues to be raised with states in the Universal Periodic Review 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)).

States that were reviewed in the 18th session of the Universal Periodic Review, held in Jan/Feb 2014, responded formally to recommendations on corporal punishment during the 26th session of the Human Rights Council, 10-27 June 2014. **Slovakia** accepted recommendations to prohibit corporal punishment in the home. As reported above, **Comoros** accepted recommendations to prohibit corporal punishment, including in the home, and reported that the new Criminal Code being adopted criminalises corporal punishment and **Chile** accepted recommendations to explicitly prohibit corporal punishment in all settings including the family. **TFYR Macedonia** – where full prohibition was achieved in 2013 – accepted a recommendation to ensure implementation of the prohibition in the home together with awareness-raising on the harmful effects of corporal punishment and the promotion of non-violent forms of discipline, stating that this was under way. No recommendations specifically

on corporal punishment had been made to **Afghanistan, Cambodia, Dominican Republic, Eritrea, Vanuatu, Yemen and Viet Nam** but all of these states except the Dominican Republic had received recommendations to strengthen efforts to protect children's rights and/or to harmonise domestic legislation with international human rights standards, which their respective Governments accepted. The review also included **Cyprus, New Zealand** and **Uruguay**, all of which have already reformed their laws to prohibit corporal punishment of children in all settings.

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## Submitting information to the UN human rights system

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

The following deadlines for briefing the treaty bodies are based on information available at the time of writing: please note that information is subject to change at short notice. We are 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:*

(1) Session 70 Pre-Sessional Working Group (2-6 Feb 2015). The PSWG will adopt Lists of Issues for **Bangladesh, Brazil, Central African Republic, Chile, Eritrea, Kazakhstan, Poland, Timor-Leste and United Arab Emirates**: the deadline for submitting briefings is **1 November 2014**.

#### *Committee Against Torture:*

(1) Session 53 (3-28 Nov 2014). The Committee will examine **Australia, Burundi, Croatia, Kazakhstan, Serbia, Sweden, Ukraine, USA and Venezuela**: the deadline for submitting briefings is **17 October 2014**.

(2) Session 54 (20 Apr – 15 May 2015). The Committee will examine **Colombia, Congo, Luxembourg, New Zealand, Romania, Serbia, Spain and TFYR Macedonia**: the deadline for submitting briefings is **6 April 2015**.

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

(1) Session 53 (10-28 Nov 2014). The Committee will examine **Finland, Guatemala, Montenegro, Nepal, Portugal, Romania, Slovenia and Viet Nam**: the deadline for submitting briefings is **29 September 2014**.

(2) Session 54 Pre-Sessional Working Group (1-5 Dec 2014). The PSWG will adopt Lists of Issues for **Chile, Ireland, Kyrgyzstan, Mongolia, Sudan, Thailand, Uganda and Venezuela**: the deadline for submitting briefings is **1 October 2014**.

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

(1) Session 59 (20 Oct – 7 Nov 2014). The Committee will examine **Belgium, Brunei Darussalam, China (incl Hong Kong and Macau), Ghana, Guinea, Poland, Solomon Islands and Venezuela**: **briefings should be submitted by 2 weeks before the session** (exact date to be confirmed).

(2) Session 61 Pre-Sessional Working Group (10-14 Nov 2014). The PSWG will adopt Lists of Issues for **Bolivia**,

**Croatia, Gambia, Namibia, Senegal, Spain, St Vincent and the Grenadines and Viet Nam: briefings should be submitted by 2 weeks before the session** (exact date to be confirmed).

*Human Rights Committee:*

(1) Session 113 (16 Mar – 9 Apr 2015). The Committee will examine **Cambodia, Cote d'Ivoire, Croatia, Cyprus, Monaco and Russian Federation**: deadlines for briefing are not yet available.

### **The Universal Periodic Review**

The deadline for submitting briefings for the 24th session (Jan/Feb 2016) is provisionally **22 June 2015: Belgium, Denmark, Estonia, Latvia, Mozambique, Namibia, Niger, Palau, Paraguay, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia.**

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This newsletter is sent to supporters of the aims of the Global Initiative and others who we think will be interested. The Global Initiative welcomes comments on the newsletter and information on any aspect of law reform to prohibit corporal punishment. To send comments or information or to unsubscribe from the newsletter, email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org).

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*“We, the Representatives of the Caribbean Community (CARICOM), the Council of the Baltic Sea States, the Council of Europe, the Inter-American Commission on Human Rights, the League of Arab States, MERCOSUR and the Latin-American and Caribbean Movement for Children ... agree to further support the prevention and reduction of violence against young children, in particular through the mobilization of strong political engagement to end impunity and to prevent and reduce violence against young children, including through the promotion of law reform to ban all forms of violence against children including corporal punishment...”*

[Conclusions and recommendations](#) of the June/July 2014 Regional Meeting for Advancing the Protection of Children from Violence, organised by the Special Representative of the Secretary General on Violence against Children and hosted by the Government of Jamaica in cooperation with UNICEF