

Global Initiative to End All Corporal Punishment of Children

Newsletter 29 (December 2014)



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of Children

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Major developments

Children protected from all corporal punishment in 44 states globally

Five states have been added to the list of those which have prohibited all corporal punishment since the Global Initiative's last newsletter in September 2014.

In November, **Estonia's** Parliament enacted the Child Welfare Act 2014, which prohibits all corporal punishment. Children are now fully protected from corporal punishment in nineteen of the European Union's 28 member states.

In October 2014, the **Nicaraguan** National Assembly approved the new Family Code 2014, which prohibits all corporal punishment.

In **Argentina**, prohibition is included in the new Civil and Commercial Code, promulgated by the President in a ceremony at the Bicentennial Museum in Buenos Aires on 7 October 2014. The reforms in Argentina and Nicaragua mean that eight states in Latin America have now prohibited all corporal punishment.

In September, **San Marino** amended its criminal and family laws to prohibit corporal punishment in all settings, including the home. The number of states in the Council of Europe which have prohibited is now 27.

Cabo Verde became the sixth African state to prohibit when it enacted the Law on Children and Adolescents 2013, which prohibits all corporal punishment including by parents (information confirmed by the Global Initiative in September 2014).

European Parliament calls for prohibition

The European Parliament has adopted a [resolution](#) which calls on EU member states to prohibit corporal punishment. The resolution on the 25th anniversary of the UN Convention on the Rights of the Child states that in 2012 alone almost 1 billion children aged between 2 and 14 were subjected to physical punishment and calls on EU member states to uphold their obligations and combat any form of violence against children, including by formally prohibiting and sanctioning corporal punishment against children.

New Global Initiative report on progress to December 2014

The latest global progress report from the Global Initiative and Save the Children charts the growth in the list of states prohibiting, and making a commitment to prohibiting, all corporal punishment. It describes growing faith-based advocacy for reform and ever more systematic and rigorous research making visible this form of violence which children face on a daily basis. Packed with facts and figures – the good and the bad – as well as setting out the relevant international human rights standards and what the obligation to protect children from corporal punishment means in terms of law reform, it is intended to provoke and support continued advocacy on the issue. The report is available [here](#); for hard copies, email info@endcorporalpunishment.org.

For other new Global Initiative publications which document progress and promote advocacy for prohibition, see [below](#).

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Other news

International developments

The Governments of Sweden and Japan hosted a side event on “A world without violence against children” in New York on 19 November 2014, the eve of the UN’s celebration of the 25th anniversary of the adoption of the CRC, aiming to highlight the progress made in addressing violence against children, note persisting challenges and the importance of ensuring that the prevention and elimination of violence against children is part of the post-2015 agenda. Sweden’s new Minister for Children, the Elderly and Gender Equality, Åsa Regnér, [highlighted](#) her country’s commitment to children’s rights and to accelerating progress towards universal prohibition of violent punishment of children.

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Regional developments

Europe: At its meeting on 15-18 September 2014, the World Health Organization’s Regional Committee for Europe adopted [Investing in children: the European child maltreatment prevention action plan 2015-2020](#). The action plan notes that corporal punishment has not been prohibited in all settings in many countries in the European Region. WHO Europe has produced a set of materials to accompany the action plan, including an [infographic](#) on preventing child maltreatment which calls for an end to corporal punishment.

South Asia: In December, the South Asia Initiative to End Violence against Children (SAIEVAC) held a technical consultation focussed on “Stepping up protection of children with disabilities in South Asia”. During it, a [report](#), “Prohibition of Corporal Punishment in South Asia - Progress and Proposals for Reform 2014” was launched. In a foreword, President of SAARCLAW and Justice of Nepal’s Supreme Court, Kalyan Shrestha, highlights: “Corporal punishment has remained as a legalised form of violence in many countries of the world including South Asia. Corporal punishment violates children’s right to equal protection from the law. It is the human rights obligation of all SAARC member states to undertake legal reform for prohibiting corporal punishment”.

The Americas: In preparation for the XXI Pan-American Child and Adolescent Congress, civil society organisations gathered at the 2nd Civil Society Forum in El Salvador in August 2014. The organisations made a series of recommendations to be taken into account at the Congress, held in Brasilia in December 2014. The recommendations include, “Promoting legal reforms banning any form of violence against children and adolescents, particularly sexual abuse and physical and humiliating punishment that constitute important factors causing and perpetuating violence”.

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Progress towards prohibition

France: On 18 November 2014, France's Secretary of State for Families, Older People and Independence reportedly [called](#) for children to have an education without violence. Laurence Rossignol stated that although the Government did not intend to legislate on the matter immediately, "the civil code already states that interpersonal violence is prohibited. There is an exemption for an educational context. We could simply get rid of this exemption." (Reported in *The Local*, 19 November 2014)

Haiti: The draft Children's Code, which has been approved by Cabinet and tabled in Parliament, includes a clear prohibition of corporal punishment in the home and all other settings.

Mexico: The Draft Law on Protection of Children and Adolescents, which includes prohibition, is under discussion.

Nepal: In September 2014, Nepal [launched](#) a national campaign against corporal punishment of children. The launch was announced by the Ministry of Women, Children and Social Welfare, in collaboration with the South Asia Initiative to End Violence against Children (SAIEVAC) and others. In line with SAIEVAC's [regional campaign](#) against corporal punishment of children (see also "Regional developments" [below](#)), the aim is to achieve legal reform to prohibit all corporal punishment of children in all settings and ensure equal protection for children under the law, raise awareness of the harmful consequences of corporal punishment and foster non-violent discipline methods among parents, teachers, child care workers, social workers, and other adults. (Reported by SAIEVAC, 15 September 2014)

Pakistan: In November 2014, the Ministry of Law and UNICEF launched a joint national campaign to end violence against children. The three month "Bare Pyar se Samjahien" campaign includes providing information on the adverse effects of corporal punishment to many people across the country. It was reported during the launch that a baseline survey conducted in five districts found that nine in 10 parents and caregivers had beaten their children. (Reported in *The Express Tribune*, 21 November 2014)

Zambia: The new Constitution which is under discussion would prohibit corporal punishment including in the family home.

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Backward steps

Indonesia: In September 2014, Aceh's provincial Parliament approved the Principles of the Islamic Bylaw and the Islamic Criminal Code which extend Sharia law to non-Muslims and provide for judicial corporal punishment.

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Employment with the Global Initiative

The Global Initiative is looking for a full-time Advocacy and Communications Coordinator. More information is available [here](#).

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Resources for advocacy

New Global Initiative publications

In addition to the new [global report](#), the Global Initiative has produced a selection of new publications which document progress and promote advocacy for prohibition:

Global progress briefing. The latest (November 2014) version of the Global Initiative's [briefing](#) summarises and illustrates progress and delay worldwide towards universal prohibition of violent punishment of children. It documents the significant progress which has been made, but shows that much remains to be done.

Africa progress briefing. The briefing ([English/French](#)) graphically illustrates progress and delay in Africa, listing some of the states in which governments are resisting reform and highlighting the urgent need to take action on the immediate opportunities for prohibiting corporal punishment in around 40 African states.

Latin America progress briefing. The briefing ([English/Spanish](#)), published jointly with UNICEF Regional Office for Latin America and the Caribbean and Save the Children, outlines progress across the region. It documents the opportunities for reform and the immediate actions needed to achieve prohibition in all states in the region which are yet to prohibit all corporal punishment.

West and Central Africa report. Published jointly with Plan International and Save the Children, this major 57-page report ([English/French](#)) reviews progress across the region, including individual reports on each of the 26 states in the region. Aiming to promote immediate action on the many current opportunities for prohibition, the report documents the legal status of corporal punishment and the reforms needed to achieve prohibition in each state and provides guidance on the process of law reform.

Updated briefing on corporal punishment of children with disabilities. The updated [briefing](#) highlights the importance of the issue for children with disabilities, emphasising that they are at increased risk of experiencing corporal punishment and underlining the human rights imperative to prohibit all violent punishment of children.

Hard copies of all publications are available; email info@endcorporalpunishment.org.

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Other resources

A new [briefing](#) from the Churches' Network for Non-violence provides a global overview of faith-based support for prohibition and elimination of all corporal punishment of children. The briefing gives examples of support by the growing numbers of religious communities and organisations across the world which regard ending legalised violence against children as both a moral and a religious imperative. (Churches' Network for Non-violence (2014), *Faith-based support for prohibition and elimination of corporal punishment of children – a global overview*)

A new [report](#) on violence prevention from the World Health Organization examines some laws on corporal punishment of children globally. The report highlights the negative effects of physical punishment of children and the evidence that prohibition of all corporal punishment, including in the home, changes attitudes and behaviour around corporal punishment. (World Health Organization (2014), *Global Status Report on Violence Prevention 2014*, World Health Organization, UN Office on Drugs and Crime & UN Development Programme)

A [report](#) which reviews consultations on the post-2015 development agenda highlights the need to encompass children's protection from violence across a number of goals in the agenda and to have a clear priority on the issue, and states that the distinct priority must seek to eliminate all forms of violence against children in all settings. The report states that consultations on the post-2015 development agenda held in 2012-2013, which involved more than 12,000 children in many countries around the world, identified that children want violence against them to be addressed in the post-2015 agenda and that they want to end physical and other humiliating punishment in their homes, schools, care institutions and other settings. (Plan International, Save the Children & Office of the Special Representative of the Secretary-General on Violence against Children (2014), *Why Children's Protection from Violence should be at the Heart of the Post-2015 Development Agenda: A Review of Consultations on the Post-2015 Development Agenda*, NY: Office of the SRSG)

The [Child Rights Connect](#) Working Group on Children and Violence has produced a [video](#) calling for an end to violence against children. The video highlights that only 9% of children worldwide live in countries which have fully prohibited corporal punishment and emphasises governments' obligation to prohibit and eliminate all violent punishment of children.

[Child Helpline International's](#) new [report](#) on data from child helplines on violence against children highlights the number of states that had prohibited corporal punishment in all settings as at October 2014 and calls upon all

countries to prohibit corporal punishment. (Child Helpline International (2014), *Violence against Children: Child Helpline Data on Abuse and Violence from 2012 and 2013*, Amsterdam: Child Helpline International)

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News from the UN human rights system

Treaty bodies

The **Committee on the Elimination of Discrimination against Women** and the **Committee on the Rights of the Child** have issued a new joint general recommendation/general comment on harmful practices, which states that corporal punishment has been recognised as a harmful practice. The [general recommendation/general comment](#) identifies harmful practices as those which constitute a denial of the dignity and/or integrity of the individual and a violation of human rights and fundamental freedoms; constitute discrimination against women or children and result in negative consequences for them; are prescribed and/or kept in place by social norms that perpetuate male dominance and inequality of women and children; and are imposed on women and children by family, community members or society at large. The Committees call on states to explicitly prohibit harmful practices by law and state that the general recommendation/comment should be read in conjunction with the Committee on the Rights of the Child's General Comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.

In September 2014 the **Committee on the Rights of the Child** held its 67th session, reviewing the prohibition and elimination of corporal punishment in relation to all the states being examined under the Convention on the Rights of the Child. To Croatia, Hungary and Venezuela where corporal punishment is prohibited in all settings, the Committee recommended measures to support and strengthen implementation of the law. In examining Singapore's implementation of the Optional Protocol on the involvement of children in armed conflict, the Committee expressed concern at the imposition of caning on members of the armed forces, including underage volunteers, and recommended that corporal punishment be prohibited in all settings.

At its 112th session (7-31 October 2014), the **Human Rights Committee** raised the issue of corporal punishment of children with the Governments of Burundi, Haiti, Malta, Montenegro and Sri Lanka. Following examination of each of these states, the Committee made recommendations to prohibit and eliminate corporal punishment in all settings to Burundi, Montenegro and Sri Lanka. The Committee welcomed the achievement of prohibition in all settings in **Malta**.

The **Committee on the Elimination of Discrimination against Women** held its 59th session in October/November 2014. In the Concluding Observations on the Solomon Islands, the Committee recommended that the State party "establish complaint mechanisms for women and girl victims of harmful practices and create precautionary measures to protect girls and boys from corporal punishment at home and in the community".

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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).

The 20th session of the Universal Periodic Review was held in October/November 2014. Recommendations to prohibit corporal punishment were made to Italy (Government response due by March 2015), El Salvador (accepted by the Government), Fiji (accepted), San Marino (accepted), Angola (accepted), Iran (response due March 2015), Slovenia (response due March 2015) and Bosnia and Herzegovina (response due March 2015).

States that were reviewed in the 19th session of the Universal Periodic Review, held in April/May 2014, responded formally to recommendations on corporal punishment during the 27th session of the Human Rights Council, 8-26 September. Overall, in the 19th UPR session, recommendations on corporal punishment were made to Albania, Bhutan, Brunei Darussalam, Dominica, DPR Korea, Equatorial Guinea, Ethiopia and Nicaragua. Recommendations to prohibit corporal punishment were accepted by DPR Korea and Nicaragua, rejected by Brunei Darussalam and received a mixed or unclear response from Bhutan, Dominica and Ethiopia. Equatorial Guinea accepted recommendations to eradicate the practice of corporal punishment. Albania accepted a recommendation to improve implementation of its legislation, which prohibits all corporal punishment.

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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.

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).

Committee on the Rights of the Child:

(1) Session 71 Pre-Sessional Working Group (8-12 Jun 2015). The PSWG will adopt Lists of Issues for Benin, Brunei Darussalam, France, Gabon, Haiti, Iran, Ireland, Kenya, Maldives, Oman, Peru, Senegal, Sierra Leone, Zambia, Zimbabwe: the deadline for submitting briefings is 1 March 2015.

(2) Session 72 Pre-Sessional Working Group (5-9 Oct 2015). The PSWG will adopt Lists of Issues for Antigua and Barbuda, Barbados, Bulgaria, Pakistan, St Vincent and the Grenadines, Samoa, Slovakia, Suriname and UK: the deadline for submitting briefings is 1 July 2015.

Committee Against Torture:

(1) 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.

(2) Session 55 (27 Jul – 14 Aug 2015). The Committee will examine Iraq, Slovakia and Switzerland: the deadline for submitting briefings is 13 July 2015.

(3) Session 56 (9 Nov – 9 Dec 2015). The Committee will examine Austria, Azerbaijan, China, Denmark, Jordan and Liechtenstein: the deadline for submitting briefings is 25 October 2015.

Committee on Economic, Social and Cultural Rights:

(1) Session 54 (23 Feb – 6 Mar 2015). The Committee will examine Gambia, Paraguay and Tajikistan: the deadline for submitting briefings is 6 weeks before the session (exact date to be confirmed).

(2) Session 55 Pre-Sessional Working Group (9-13 Mar 2014). The PSWG will adopt Lists of Issues for Burundi, Canada, France, Greece, Guyana, Iraq, Italy and Morocco: the deadline for submitting briefings is two months before the session (exact date to be confirmed).

Committee on the Elimination of Discrimination against Women:

(1) Session 60 (16 Feb to 6 Mar 2015). The Committee will examine Azerbaijan, Denmark, Ecuador, Eritrea, Gabon, Kyrgyzstan, Maldives, Tuvalu: briefings should be submitted by 2 weeks before the session (exact date to be confirmed).

(2) Session 62 Pre-Sessional Working Group (9-13 Mar 2014). The PSWG will adopt Lists of Issues for Lebanon, Liberia, Madagascar, Malawi, Portugal Russian Federation, Slovakia, Slovenia, Timor-Leste, United Arab Emirates, Uzbekistan, Yemen: briefings should be submitted by 2 Feb 2015 (date to be confirmed).

Committee on the Rights of Persons with Disabilities:

(1) Session 13 (25 Mar to 17 Apr 2015). The Committee will examine Cook Islands, Croatia, Czech Republic, Dominican Republic, Germany, Mongolia and Turkmenistan, and will adopt List of Issues for the European Union: briefings should be submitted by 4 March 2015.

(2) Session 3 Pre-Sessional Working Group (20-24 Apr 2015). The PSWG will adopt Lists of Issues for Brazil, Gabon, Kenya, Mauritius, Qatar, Ukraine: briefings should be submitted by 4 March 2015.

Human Rights Committee:

(1) Session 113 (16 Mar to 9 Apr 2015). The Committee will examine Bangladesh, Cambodia, Cote d'Ivoire, Croatia, Cyprus, Monaco and Russian Federation: the deadline for submitting briefings is 20 February 2015. At the same session, Lists of Issues will be adopted for Austria, Benin, Greece, Iraq, Republic of Korea and Suriname: the deadline for submitting briefings is 23 December 2014.

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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 and Somalia.

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“When we see a man beat his wife, everyone steps in. If we see two adults fighting, we try to separate them. If you see someone torturing an animal, you intervene. Ultimately, the only living beings that can be hit and nobody will intervene, are children.”

Laurence Rossignol, France's Secretary of State for Families, Older People and Independence, November 2014

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.