



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

GLOBAL INITIATIVE NEWSLETTER 9

(SEPTEMBER 2009)

We are now three quarters of the way through 2009, the year set by the UN Study on Violence against Children as the target date by which to prohibit all corporal punishment of all children, in all settings, in all countries. It is a good time to reflect on what has been achieved and how to tackle what still needs to be done. The Global Initiative is constantly learning about new individuals and organisations working on the issue, resources are continually being developed to support campaigning, the mass of reports and research on the issue is increasing all the time, and many many countries are presenting opportunities for action through their reviews and reform of legislation relating to children. There is no excuse for inaction. We hope this newsletter will help you to review your own and your organisation's commitment to giving children the legal protection from corporal punishment that is their right.

Contents (click on the links for further information)

- 1. Global progress** – prohibition achieved in schools in Canada (Ontario), India and the US (Ohio); moves towards prohibition in Belize, Canada and Philippines; positive news from New Zealand; and not so good news from El Salvador, Indonesia, and the US (Indiana)
- 2. Campaigns and calls for prohibition** – calls for prohibition in Malaysia, Nepal, Nigeria, Switzerland, UK (Scotland), US (Arizona) and Zambia; and a number of new resources to support campaigning for law reform
- 3. Research and reports** – useful reports from the Netherlands, New Zealand, Sweden, the UK and the US
- 4. Media watch** – selected news from China, Fiji, India, Maldives, Netherlands, Somalia, South Africa, Taiwan, Thailand, Uganda, UK (Scotland) and Viet Nam
- 5. Human rights monitoring** – concluding observations from the Committee on the Rights of the Child, the Human Rights Committee and the Committee on the Elimination of Discrimination against Women; new report and recommendations from the Inter-American Commission on Human Rights; and information on states coming up for examination by treaty bodies and how to brief them

6. Can you help? – appeals for help with work in Africa and South Asia, for information on laws in Africa, the Middle East and the Pacific Islands, and for responses to the questionnaires sent out in the summer

1 GLOBAL PROGRESS

Prohibition achieved in schools

Canada, Ontario: Corporal punishment is now prohibited in publicly funded schools in Ontario. In May, a regulation under the Ontario Education Act which requires pupils to “accept such discipline as would be exercised by a kind, firm and judicious parent” was amended to state that this “does not authorise corporal punishment and does not require a pupil to accept corporal punishment”. This confirms in legislation the 2004 Supreme Court ruling against corporal punishment in schools. Manitoba and Alberta have yet to do likewise.

India: In August the Government enacted the Right to Education Act 2009, which explicitly prohibits corporal punishment in schools.

US, Ohio: With the signing in July of biennial budget bill HB1 by Governor Ted Strickland, Ohio became the 30th US state to prohibit corporal punishment in all public schools.

Moves towards prohibition

Belize: The Ministry of Education is amending the Education Act, and as part of this is proposing prohibition of corporal punishment in all schools.

Canada: The Bill to repeal section 43 of the Criminal Code (Bill S-209), which allows force for the purpose of correction, passed its second reading in June and was referred to the Senate Standing Committee on Legal and Constitutional Affairs.

Philippines: The Anti-Corporal Punishment Bill (House Bill 6699), which would prohibit corporal punishment in all settings, including the home, has been approved by three House of Representatives committees. The bill should now be scheduled for plenary deliberations.

And ...

New Zealand: A citizens initiated referendum was held in August 2009 which aimed at challenging the 2007 law that banned the use of force for correction of children. It was not compulsory for registered voters to vote in the referendum and the outcome was non-binding on Government. Only 57% of those eligible to vote actually voted. The majority of those who did, voted “no” on a loaded and much-criticised question “Should a smack as part of good parental correction be a criminal offence in New Zealand?” The Prime Minister, Mr John Key, ruled out any change to the 2007 law saying that the present law is working well and that good parents are not being criminalised for minor infringements of the law, and has announced a review of the policies and procedures of the Police and Children, Youth and Family to identify any changes necessary in implementing the law. He confirmed that the Government would not support a private members bill that has also been introduced with a view to overturning the law.

But ...

El Salvador: Article 38 of the new Law on Integral Protection of Children and Adolescents which was enacted earlier this year prohibits corporal punishment of children, but the prohibition does not

clearly outlaw all forms of corporal punishment – article 38 also retains the right of parents to “moderately and adequately” correct their children.

Indonesia: The parliament of Aceh, a partially autonomous province, voted to introduce a law allowing “stoning for adultery” and “harsh corporal punishment” for offences under Islamic law. However, the central government opposed the law and the provincial government has refused to sign it. The National Commission against Violence on Women called for a revision of the national law which allows the Aceh government to introduce Shariah-based legislation. (*Spero*, 18 September 2009)

US, Indiana: After a seven-month suspension of corporal punishment (“paddling”) in schools, following the alleged use of excessive force by a school principal, the Decatur County Board of Education decided to keep its existing corporal punishment policy. The board recommended to principals that parents are notified before children are paddled and that no student should be paddled more than once in a day. (*The Post Searchlight*, 28 September 2009)

[Back to contents](#)

2 CAMPAIGNS AND CALLS FOR PROHIBITION

Malaysia: The Malaysian Bar Council has confirmed its position against whipping, following the sentencing, in separate cases, of a Muslim woman and a Muslim man under Islamic Shariah law in Pahang state to six strokes of the cane for drinking alcohol. President of the Bar Council Rangunath Kesavan urged the Government to abolish whipping altogether. (*The Star Online*, 26 August 2009). Amnesty International called for the Malaysian government to repeal all laws authorising caning and all other forms of corporal punishment (*Amnesty International*, 21 August 2009), and the Joint Action Group for Gender Equality (JAG) called for a comprehensive review and repeal of the various Shariah Criminal Offences laws in Malaysia (*MySinchew*, 26 August 2009).

Nepal: In July, 17 organisations submitted a joint memorandum to the Ministry of Education calling for legal prohibition of corporal punishment. The organisations have resolved to submit a memorandum on the 15th of each month until the demands are met. The action follows a number of cases of children being beaten and humiliated in school. (*eKantipur.com*, 16 July 2009). In 2005, the Supreme Court repealed the legal defence available to parents, guardians and teachers but this has not been confirmed in legislation.

Nigeria: Speaking at an awareness-raising meeting on child protection and child-friendly schools, the Dutsinma Local Government Council chairman in Katsina State, Alhaji Bashir Gambo, called on teachers to stop flogging girls in schools. In an earlier address, the special advisor to the governor on girl-child education and child development, Hajiya Bikisu Kaikai, said that her office was working with UNICEF and the wife of the state governor to campaign against flogging in schools. (*Daily Trust*, 14 September 2009)

The second edition of the bulletin *Discipline* has been published by the Child Rights Network and 500 copies distributed to children’s organisations, schools, NGOs and parliamentarians – more than double the distribution of the first edition. The bulletin includes the voices of children who have experienced corporal punishment and reminds readers of the 2009 deadline for prohibition set by the UN Study on Violence against Children. The aim is to increase information sharing and build alliances. Copies are available from info_chirn@yahoo.com.

Switzerland: The Terre des Hommes children's rights organisation has called for more public debate on corporal punishment of children in Switzerland. Participants at a national colloquium in Bern criticised the rejection of the initiative to address corporal punishment by the House of Representatives in 2008. (*Swissinfo.ch*, 29 August 2009)

UK, Scotland: Following the launch of "Do the right thing", the Scottish Government's response to the recommendations of the UN Committee on the Rights of the Child, head of public affairs at the child welfare organisation Children 1st, Tom Roberts, called for the Government to include reform of the law allowing corporal punishment by parents in its efforts to promote positive parenting. (*Evening News*, 7 September 2009)

US, Arizona: The President of the Tucson Education Association has called for an end to corporal punishment in schools in Arizona. State law currently leaves it to school district governing boards to decide whether or not to use corporal punishment. (*Kvoa.com*, 2 September 2009)

Zambia: Executive director of the Zambia Civic Education Association, Judith Mulenga, called on the government to prohibit corporal punishment of children by all carers, including parents, and in all settings following the case of a 15-year-old girl who reportedly had both legs amputated following a severe beating by her mother and another person. (*The Post*, 2 August 2009)

NEW AND UPDATED RESOURCES

A new series of **law reform briefings** is now available from the Global Initiative. The briefings summarise the steps needed to campaign successfully for governments to meet their obligations under the Convention on the Rights of the Child to ensure children have the same protection from assault that adults have. Drawing on experiences of working with child rights advocates in global and regional workshops on law reform in 2008 and 2009, the seven briefings are intended to provide a reference point for planning and carrying out successful national campaigns and can be downloaded from the resources section of the [Global Initiative website](#):

- 1: Understanding the need for prohibition
- 2: Reviewing current law
- 3: Drafting prohibiting legislation
- 4: Building a national strategy
- 5: Working with Government and Parliament
- 6: Using legal action and regional and international human rights mechanisms
- 7: Key resources to support campaigning

The popular **Legal Reform Handbooks** written by the Global Initiative in 2008 and revised in 2009 are now available in Spanish and French on the [Global Initiative website](#). A limited number of hard copies is also available (email info@endcorporalpunishment.org). Also newly published is a booklet of answers to **Frequently Asked Questions** about prohibiting corporal punishment – available from the website in adult and child-friendly versions, and in English, French and Spanish. Again, if you would like hard copies, please email us.

Other useful documents

The **Report of the Legal Reform Workshop** in Nairobi, addressing law reform to prohibit all corporal punishment of children in East and Central Africa (see previous newsletter), is now available on the [Global Initiative website](#).

The August edition of *Article 19*, the **journal of the Southern African Network to End Corporal and Humiliating Punishment of Children**, is now available. It includes reports on the promotion of positive parenting in southern Africa, the meeting of the Network in May, and the resolutions made at the 9th All Africa Conference of Churches' General Assembly in December 2008. The network has also launched its own [website](#).

[Back to contents](#)

3 RESEARCH AND REPORTS

Netherlands: The report of the International Girl Child Conference which took place in the Netherlands in March was published in June. The conference highlighted the importance of addressing corporal punishment in the prevention of child abuse and violence in the home. The [report](#) includes case studies of prohibition in Romania and promotion of positive parenting in Nicaragua and Mexico.

New Zealand: The [fourth](#) and [fifth](#) reviews of police activity since New Zealand achieved prohibition in 2007 were published in July and August respectively. The findings of both reviews are in line with previous ones and show that there has been minimal impact on police activity since the law came into force. These reviews provide important evidence that prohibition does not lead to excessive prosecution of parents and family break up.

Sweden: Save the Children Sweden and the Swedish Ministry of Health and Social Affairs have published a review of the law in Sweden, which was the first country to achieve prohibition of all corporal punishment of children, including in the home – in 1979. *Never Violence – Thirty Years on from Sweden's Abolition of Corporal Punishment* describes the process of enacting the prohibiting legislation and the impact that it has had on the prevalence of, and attitudes towards, corporal punishment and responses to parents who use it.

UK: A study of the association between parental control and child aggression in 200 8-10-year olds found that physical punishment was positively associated with physical aggression both at home and at school (particularly for boys) and psychological control correlated with relational aggression at home. The [full report](#) is published in the British Journal of Developmental Psychology (2009), vol. 27.

US: A new study by the American Civil Liberties Union (ACLU) and Human Rights Watch looks at corporal punishment of disabled children in American schools. The report – *Impairing Education: Corporal Punishment of Students with Disabilities in US Public Schools* – shows that disabled students made up 18.8% of students who received corporal punishment (were “paddled”) in schools in 2006-7, compared with 13.7% of all children who were punished this way. Disabled students were also beaten, spanked, slapped, pinched, dragged across the floor and thrown to the floor. The report calls for an immediate moratorium on school corporal punishment

A longitudinal study into how low-income parents discipline their children found that smacking affects children's development. Children who were smacked more often at age one behaved more aggressively when they were two years old and had lower scores on tests measuring thinking skills when they were three. The study, conducted by researchers from the Center for Child and Family Policy at Duke University, is published in the journal *Child Development*, vol. 80(5), Sept/Oct 2009.

Another study by the same policy group at Duke University looked at parents' choices of discipline for children aged 5 to 16. They found that children whose parents stopped using physical punishment over the years demonstrated less antisocial behaviour than those whose parents continued to use physical punishment. Children who were physically punished also had poorer relationships with their parents. The full report is in *Child Development*, vol. 80(5), Sept/Oct 2009.

A study published in the August issue of *Pediatrics*, vol. 124(2), looked at the childhood experiences of 1,265 women and their attitudes toward corporal punishment. Esther K. Chung and colleagues found that mothers who had been physically abused in childhood were more likely to use corporal punishment on their own children.

[Back to contents](#)

4 MEDIA WATCH

A selection of media reports on corporal punishment:

China: A 14-year-old boy at a boot camp to treat internet addicts was reportedly beaten to the point of damaging his kidneys and chest less than a month after the death of a 15-year-old following a beating at another military-style camp. The camp has been closed. (*BBC News*, 19 August 2009)

Fiji: The Education Ministry has reminded teachers that corporal punishment is unlawful in schools by virtue of a High Court ruling and called for refreshers on alternative forms of discipline, following an incident in Labasa in which a teacher allegedly beat students with a metre ruler. (*Fiji Times Online*, 21 September 2009)

India: Despite prohibition in all schools in India (see above), in Mangalore the district in-charge and minister for ports and inland transport, Krishna Palemar, spoke publicly in favour of corporal punishment in schools. Speaking after a parent had filed a case against a teacher for allegedly beating their son, the minister reportedly said that corporal punishment was necessary and in his own case it had made him a better individual. (*The Times of India*, 6 September 2009)

A 12-year-old boy was hospitalised after being caned by a head teacher for climbing a wall. (*Express Buzz*, 2 July 2009)

A teacher in Chandigarh was dismissed after being found to have beaten and humiliated a student. (*Deccan Herald*, 7 August 2009)

Maldives: An 18-year-old woman was reportedly flogged in public in July after being accused of having sex outside of marriage, receiving 100 lashes. Pregnant when sentenced, her flogging had been deferred until after the birth. According to Amnesty International, at least 180 people face being flogged as a punishment for extra marital sex. (*Amnesty International Press Release*, 21 July 2009)

Netherlands: A Christian preacher who advocated smacking children is facing legal action after being questioned by police. (*DutchNews.nl*, 10 September 2009). Corporal punishment is prohibited in all settings in the Netherlands.

Somalia: Four young men had their right hands and left legs amputated before a crowd of local people in June in northern Mogadishu. The men had been convicted of robbery by an unofficial al-Shabab court. (*Amnesty International Press Release*, 25 June 2009)

- South Africa:* A young woman attempted suicide after allegedly being kicked and flogged by the owner of a private school. An investigation by the Department of Education into a number of previous reports of corporal punishment found them to be true and referred the case to the Human Rights Commission. (*The Times*, 8 August 2009)
- Taiwan:* Taipei County Department of Education confirmed that corporal punishment in schools is unlawful even if parents have consented to or requested it. (*The China Post*, 8 September 2009)
- Thailand:* A teacher was filmed by a student severely beating another student in a Bangkok secondary school. The authorities said the teacher will be punished and the school director ordered a disciplinary investigation. The teacher remains in post. (*Bangkok Post*, 22 September 2009)
- Uganda:* During an inspection tour of primary schools in Lwengo sub-county, Masaka district finance secretary, Eddie Sansa, caned six girls for arriving late at school. (*New Vision*, 14 September 2009)
- UK, Scotland:* A woman who pleaded guilty to assault after smacking her 14-year-old teenage daughter hard enough to leave bruising was given an absolute discharge by the court because the daughter had also behaved violently. (*BBC News*, 22 September 2009)
- Viet Nam:* A fourth grade student was reportedly beaten with a rod so severely by his teacher that he bled and was unable to sit down. The teacher admitted giving the pupil an excessively heavy beating. (*VietnamNet*, 17 September 2009)

[Back to contents](#)

5 HUMAN RIGHTS MONITORING

Key decisions and recommendations, etc.

The 51st session of the **Committee on the Rights of the Child** took place in May/June. The Committee examined implementation of the Convention on the Rights of the Child in Bangladesh, France, Mauritania and Niger, and recommended explicit prohibition of corporal punishment by law in all settings, including the home. Romania and Sweden, which have already achieved full prohibition, were also examined. To Romania, the Committee recommended intensified aware-raising and public education campaigns in light of the high prevalence of corporal punishment revealed in research prior to law reform. The Committee recommended that Sweden continue the promotion of positive, non-violent forms of discipline to ensure that children are protected from all abuse within the family.

The **Human Rights Committee** met in July for its 96th session. In its concluding observations on Tanzania's fourth report, the Committee expressed concern that corporal punishment is lawful as a judicial sentence and in schools and recommended its abolition. The Committee published recommendations concerning Grenada in the absence of a state party report. The Committee recommended prohibition of corporal punishment in places of detention, schools and other institutions and as a judicial sentence.

The concluding observations of the **Committee on the Elimination of Discrimination against Women** were published following its 44th session in July/August. In its concluding observations on the initial report of Timor-Leste, the Committee expressed concern at the acceptance of corporal punishment in schools and in the home and recommended explicit prohibition in all settings. It also expressed concern at corporal punishment in schools in Tuvalu and recommended prohibition.

The **Inter-American Commission** has called on member states of the Organisation of American States (OAS) to prohibit and eliminate all corporal punishment of children. Its new 44-page thematic

report – *Report on Corporal Punishment and Human Rights of Children and Adolescents* – was prepared by the office of the Rapporteur on the Rights of the Child, Professor Paulo Pinheiro. It includes an analysis of state responsibility in the use of corporal punishment by private citizens and of corporal punishment in relation to those with parental authority. It makes detailed recommendations to member states concerning the actions they should take to achieve full prohibition of corporal punishment. The report is available in [English](#) and [Spanish](#).

Briefing the Committees

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 always willing to advise NGOs and human rights institutions on the practical details of how to submit briefings (email info@endcorporalpunishment.org).

The *Committee on the Rights of the Child* is holding its 52nd session in September/October 2009 and is examining the following states: *Convention on the Rights of the Child* – Bolivia, Mozambique, Pakistan, Philippines, Qatar; *Optional Protocol on the Involvement of Children in Armed Conflict* – Poland, Turkey; *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography* – Poland, Yemen.

The Committee will hold its 53rd session in January/February 2010 and will examine the following states: *Convention on the Rights of the Child* – Burkina Faso, Cameroon, Ecuador, El Salvador, Mongolia, Norway, Paraguay, Tajikistan; *Optional Protocol on the Involvement of Children in Armed Conflict* – Ecuador, Israel, Liechtenstein, Mongolia, Sierra Leone; *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography* – Ecuador, El Salvador, Estonia, Sierra Leone.

At the same session, the Pre-Sessional Working Group of the Committee will be drafting lists of issues and questions for future examination of: *Convention on the Rights of the Child* – Afghanistan, Argentina, Grenada, Guatemala, Japan, Nigeria, Spain, TFYR Macedonia; *Optional Protocol on the Involvement of Children in Armed Conflict* – Argentina, Colombia, Japan, Serbia, TFYR Macedonia; *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography* – Colombia, Japan, Serbia, TFYR Macedonia. **Briefings on these states should be submitted before 5 January 2010.**

The *Committee Against Torture* will be holding its 43rd session in November 2009 and will examine: Azerbaijan, Colombia, El Salvador, Republic of Moldova, Slovakia, Spain, Yemen.

At the same session, the Pre-Sessional Working Group will be considering issues and questions for future examination of: Austria, Cameroon, France, Jordan, Liechtenstein, Switzerland, Syrian Arab Republic. **Briefings on these states should be submitted before 19 October 2009.**

The *Committee on Economic, Social and Cultural Rights* will be holding its 43rd session in November 2009 and will examine: Chad, Democratic Republic of Congo, Madagascar, Poland, Republic of Korea.

At the same session, the Pre-Sessional Working Group will consider issues and questions for future examination of: Afghanistan, Dominican Republic, Netherlands and Netherlands Antilles, Switzerland, Uruguay. **Briefings on these states should be submitted before 2 November 2009.**

The *Human Rights Committee* will be holding its 97th session in October 2009 and will examine: Croatia, Ecuador, Republic of Moldova, Russian Federation, Switzerland.

At the same session, the Country Report Task Forces will consider issues and questions for future examination of: Cameroon, Colombia, El Salvador, Estonia, Israel. **Briefings on these states should be submitted before 5 October 2009.**

The *Committee on the Elimination of Discrimination against Women* will be holding its 45th session in January/February 2010 and will examine: Botswana, Egypt, Malawi, Netherlands, Panama, Ukraine, United Arab Emirates, Uzbekistan.

At the same session, the Pre-Session Working Group will consider issues and questions for future examination of: Bahamas, Burkina Faso, Czech Republic, Malta, Tunisia, Uganda, and possibly Chad, Comoros, Lesotho. **Briefings on these states should be submitted before 5 January 2010.**

The Universal Periodic Review process

In November/December the **Human Rights Council** will hold its 6th session of the Universal Periodic Review. The countries to be examined are: Albania, Bhutan, Brunei Darussalam, Cambodia, Costa Rica, Cote d'Ivoire, Cyprus, Democratic People's Republic of Korea, Democratic Republic of Congo, Dominica, Dominican Republic, Equatorial Guinea, Eritrea, Ethiopia, Norway, Portugal.

The deadline for submitting briefings for the 7th session, to be held in February 2010, has now passed. The 8th session is due to take place in May 2010. The deadlines for the submission of briefings are:

By 2 November 2009 for Guinea, Guinea-Bissau, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao PDR, Lesotho.

By 9 November 2009 for Armenia, Belarus, Grenada, Guyana, Haiti, Spain, Sweden, Turkey.

[Back to contents](#)

6 CAN YOU HELP?

Many thanks to all those who have sent us information since the last newsletter!

Provoking advocacy in Africa and South Asia

The Global Initiative is now working closely with the African Child Policy Forum to encourage organisations across **Africa** to actively promote law reform. We are similarly trying to provoke action in **South Asia**. If you know of any organisations in these regions which are considering the issue, or are planning to, please do let us know at info@endcorporalpunishment.org.

Country assessment questionnaires

As many of you will know, the Global Initiative has been sending out country assessment questionnaires to gather information about the extent to which prohibition is being promoted and to provoke action on the issue. Many thanks to all those who have already responded. If you have not yet

returned yours, please do so as soon as possible. If you have not received a questionnaire but would like to complete one on your country, please contact us at info@endcorporalpunishment.org.

Completing the Global Initiative knowledge base

We still have a number of gaps in our information about the legality of corporal punishment worldwide. If you can help us with the following countries and settings, please email us at info@endcorporalpunishment.org.

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

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

Alternative care settings – Guinea-Bissau, Kuwait, Libyan Arab Jamahiriya

[Back to contents](#)

We hope you find this newsletter informative and useful and welcome your comments: please email info@endcorporalpunishment.org. We are sending the newsletter to supporters of the aims of the Global Initiative (for the full list, click on “Supporters” on the [website](#)) and others who we think will be interested. If you do not want to receive future editions, please tell us at info@endcorporalpunishment.org. If your organisation is not listed as supporting the aims of the Initiative, please consider signing up (email info@endcorporalpunishment.org).

To receive the latest developments between newsletters, please sign up to the RSS news feed at www.endcorporalpunishment.org.

“If you beat a dog it is mistreatment, if you beat an adult it is a criminal offence but if you beat a child it’s considered in the family as being for the child’s own good. We want to get rid of this perverse idea.”

Elda Moreno, Council of Europe’s Children’s Rights Committee, speaking at the national colloquium in Bern, Switzerland, August 2009