

# Corporal punishment of children and the Universal Periodic Review



Global Initiative to  
End All Corporal Punishment  
of Children

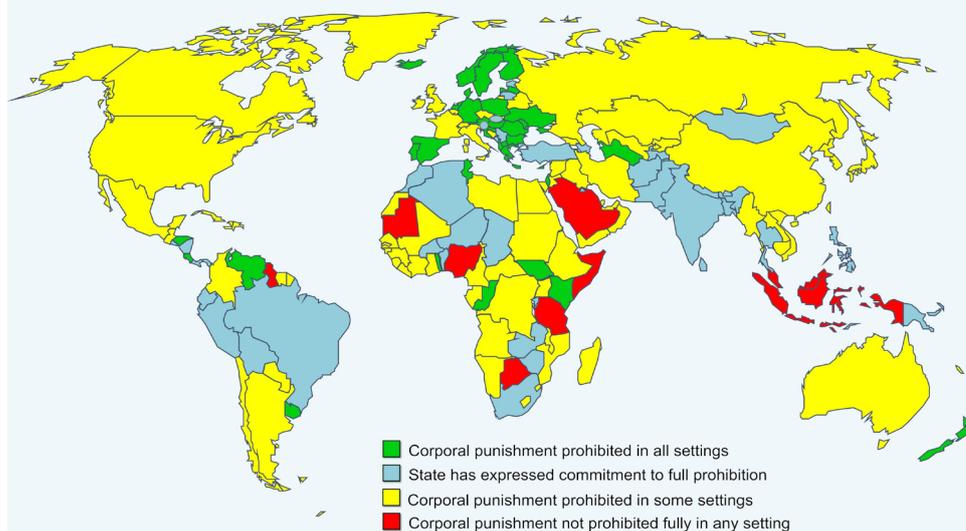
Paper prepared for the panel discussion on “Advancing children’s rights through the Universal Periodic Review: achievements, challenges and lessons learned”, Geneva, 5 May 2014

## Why address corporal punishment of children in the UPR?

Children’s right to protection from all forms of corporal punishment – and Governments’ obligations to ensure that it is fully prohibited and eliminated – is pursued systematically by the Committee on the Rights of the Child. Other treaty bodies also confirm that compliance with states’ obligations under their respective instruments requires prohibition of corporal punishment, including the Human Rights Committee, the Committee Against Torture, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination Against Women. So, too, do the bodies responsible for monitoring implementation of regional human rights treaties, including in Africa, Europe and the Americas.

The strong consensus that corporal punishment of children is a violation of their human rights, which should be prohibited in all settings including the home as well as in care, education and penal systems, is reflected in recommendations made by the treaty bodies. As at May 2014, only 5 of the 193 UN member states have not received a recommendation or observation from a treaty body concerning corporal punishment of children – yet only 37 states have fully reformed their laws to prohibit all corporal punishment. The importance of systematically holding to account, through the Universal Periodic Review, states which have not yet achieved prohibition and are ignoring treaty body recommendations cannot be overemphasised.

## Progress towards prohibiting all corporal punishment\*



\*Based on information held by the Global Initiative, April 2014.

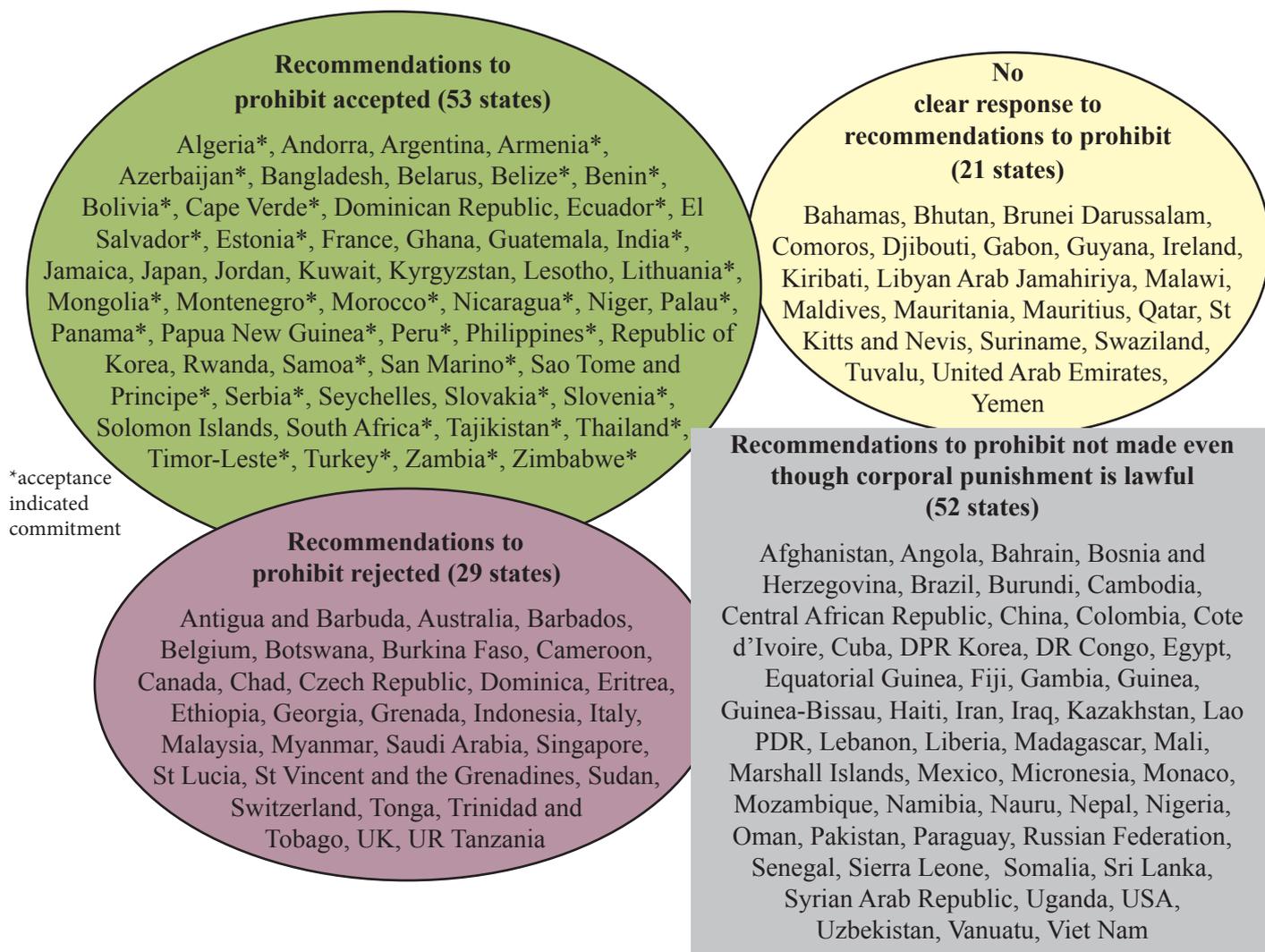
*“The legality and social approval of violent punishment reflects the low status of children in so many societies; states which allow children to be hit and humiliated with impunity are denying children their dignity. Moving on to an equal respect for children, to equal protection under the law, is fundamental to reducing all other forms of violence in our societies. It is very welcome that the UPR is paying serious attention to this issue; that there have been many recommendations to hold states to account for their very obvious human rights obligation to prohibit all violent punishment of children.”*

Paulo Sérgio Pinheiro, Independent Expert who led the UN Secretary General’s Study on Violence against Children, speaking at Panel Discussion, 15th UPR Session, January 2013

## The UPR’s record in addressing corporal punishment

The issue of corporal punishment of children has been raised in the reviews of most states. Of the 156 UN member states which have not yet achieved law reform, over 100 have received recommendations to prohibit corporal punishment during their review(s). These recommendations have been accepted by 53 states, rejected by 29. Governments sometimes accept recommendations but make comments suggesting existing law is adequate: this indicates the need for further advocacy and awareness raising on particular aspects of prohibition. Other states – 34 to date – accept UPR recommendations unequivocally, indicating a firm commitment to reforming their laws.

There is much pressure on the secretariat and doing justice to the many serious human rights violations raised is a challenge. Unfortunately, while virtually all states have received recommendations on corporal punishment from treaty bodies, the issue is not always included in the compilation of UN information prepared by the secretariat for the members of the working group. Of the 277 reviews undertaken to date, in 45 cases the compilation did not refer to corporal punishment, even though observations/recommendations had been made by UN treaty bodies and the states had not achieved full prohibition of corporal punishment. Occasionally, recommendations made clearly during the review to prohibit corporal punishment of children are officially recorded in the working group report as more general recommendations to prohibit “all forms of violence”, or as recommendations to “eradicate the practice” of corporal punishment (i.e. not referring to the need for prohibition in law). Given the particular nature of corporal punishment – still widely socially and legally accepted in most societies worldwide – it is vital that explicit recommendations are made and recorded.



## The impact of addressing corporal punishment in the UPR

The UPR process is undoubtedly having a major impact on accelerating progress towards universal prohibition of violent punishment of children. It has maintained the issue high on the human rights agenda internationally and nationally, requiring Governments to respond to, rather than ignore, the issue and thus reinforcing the authority of treaty bodies and other human rights mechanisms. In doing so, it is an invaluable tool for further advocacy. The identification of Governments committed to law reform, as well as of those unclear on what it entails and even those which are resistant to it, helps to target further advocacy at national level. In light of this, the Global Initiative carries out a programme to encourage effective follow up to recommendations, increasing and strengthening engagement with national NGOs, NHRIs and Government on the issue. But it is a matter of deep concern that 20 states which have not prohibited corporal punishment of children have been reviewed in both first and second cycles without recommendations to prohibit being made.

For further information, see [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org), email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org).