

Campaigning for law reform to prohibit corporal punishment: Building a national strategy

Summary Briefing 4 (June 2009)



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

The aim of the national strategy is to achieve law reform to prohibit all corporal punishment and other cruel and degrading punishment of children in all settings, including the home. In developing the strategy, you should identify clearly and in detail:

- the changes that are necessary in legislation, and
- the steps you will take towards making these changes happen.

The national strategy

A national strategy to achieve law reform to prohibit all corporal punishment of children should:

- 1) be based on a full understanding of the **current legal status** of corporal punishment of children in all settings and the laws which need to be repealed/amended (see Briefings 2 and 3), including:
 - legal defences for the use of corporal punishment by parents, teachers etc, in criminal and any other law;
 - laws/regulations authorising/regulating the infliction of corporal punishment, e.g. in relation to schools etc;
 - laws which are “silent” on corporal punishment but which really should prohibit it, e.g. education law, child rights law.
- 2) take account of – and make full use of – existing and emerging **opportunities for law reform**. These could include, for example, reviews of laws that are already happening or planned or new laws being developed, such as juvenile justice law or laws on family violence. In many countries, laws relating to children are being revised to bring them into line with the UN Convention on the Rights of the Child or other human rights treaties that have been ratified. Sometimes, cases of corporal punishment leading to injury or death generate media interest in the issue. All of these can provide opportunities for advocacy for law reform
- 3) identify **key parliamentarians and government officials** who support or are likely to support law reform (see Briefing 5), including:
 - members of Parliament, government ministers, local government officials, state representatives, etc;
 - any government officials who have spoken out publicly against corporal punishment.
- 4) identify all **organisations and individuals** that do – or are likely to – support law reform. These potential partners/actors include:
 - children’s rights coalitions, other children’s organisations, human rights organisations, human rights commissions or ombudsmen, legal and professional associations, women’s and community-based organisations already working in the area of law reform on family violence, interpersonal violence, children’s rights, child protection, non-discrimination, etc;

- religious or traditional leaders who are already taking a leadership role on children's rights, child protection issues, family violence issues;
 - influential professionals or prominent personalities who have spoken out publicly against corporal punishment.
- 5) take into account the **law reform process** in your country. It is important to understand how law reform works, including:
- the process of law-making and law reform – e.g. how are laws proposed, drafted, introduced into Parliament and finally enacted? Who are the key decision-makers?
 - the law reform time frame – e.g. what is the average time frame for legal reform and what are the key stages that must be completed? What is the time frame for the strategy? What are the milestones to aim for along the way to law reform, e.g. discussion of the issue in Parliament, community consultations on the issue, tabling of a motion in Parliament, etc?
 - engaging in the law-making process – e.g. who are the key people/institutions that should be lobbied and who should do this lobbying – local politicians, ministries, teachers, care and justice professionals, parents, children? Who will be fundamental to passing the new law and how can their views be canvassed? Who will be the most formidable obstacles to law reform, who will be central to implementation of any new law, who are your allies – and how can all of these people be engaged in the process of pursuing law reform? (See Briefing 5 for information on working with Government and Parliament)
- 6) take counts of, and plan to address, any particular **obstacles and challenges** to reform that will need to be overcome.

Other summary briefings available:

1: Understanding the need for prohibition

2: Reviewing current law

3: Drafting prohibiting legislation

5: Working with Government and Parliament

6: Using legal action and regional and international human rights mechanisms

7: Key resources to support campaigning

Further information at www.endcorporalpunishment.org, email info@endcorporalpunishment.org