



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

GLOBAL INITIATIVE NEWSLETTER 4 (SEPTEMBER 2008)

Welcome to the September 2008 edition of the Global Initiative newsletter (www.endcorporalpunishment.org)! We are pleased to report that Costa Rica has joined the list of countries prohibiting, more European countries have committed themselves to the abolition campaign, and progress continues to be made in many other countries. The Committee for the Elimination of Discrimination against Women has become the latest treaty monitoring body to strongly recommend prohibition in the home to states being examined.

Read on for details of all this and more....

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6. Can you help?

1. Global progress

Costa Rica has joined the list of countries explicitly prohibiting all corporal punishment of children, in the family home and all other settings. Following a long and sustained campaign involving government ministries and non-government organisations and with the support of the Office of the Ombudsperson, two major amendments were made to the law. A new article (24 bis) was added to the Code of Children and Adolescents, which states:

“Children and adolescents have a right to receive counselling, education, care and discipline from their mother, father or tutor, as well as from their caretakers or the personnel from educational and health centres, shelters, youth detention or any other type of centres, that in no way represents an authorisation of any sort to these parties for the use of corporal punishment or degrading treatment.

The Patronato Nacional de la Infancia shall coordinate with the institutions conforming to the National Integral Protection System and NGOs, for the implementation of educational campaigns and programmes directed to parents and other adults in custodial or caring roles.”

Article 143, which had previously allowed “moderate correction” of children, was amended to state:

“Parental authority confers the rights and imposes the duties to orient, educate, care, supervise and discipline the children, which in no case authorises the use of corporal punishment or any other form of degrading treatment against the minors.”

Under the Swedish presidency of the Committee of Ministers of the **Council of Europe** (May – November 2008), a conference on “Building a Europe for and with Children: Towards a Strategy from 2009-2011” was organised in Stockholm in September, during which 15 states committed themselves to abolition by signing the Council of Europe’s petition supporting the abolition of corporal punishment of children in all settings. Many of those are already committed to or have achieved full prohibition, but six others have expressed their commitment – Albania, Azerbaijan, France, Georgia, Montenegro and Turkey.

In her opening speech to the conference, Her Majesty Queen Silvia of Sweden stated: “Our efforts here are all about making the Convention on the Rights of the Child a reality. The Convention recognises that children have special human rights. These rights are to guarantee that every child enjoys an everyday life that offers opportunities for development, regardless of personal circumstances. No child may be discriminated against – the Convention makes this clear. Society must ensure that this principle becomes a reality. The Convention places demands on decision-makers, but it also provides us adults with some guidance. It’s not enough to love our own children. We must treat all children – our own and others’ – with care and respect.”

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2. Campaigns and calls for prohibition

The **World Congress III against Sexual Exploitation of Children** will take place in November in Rio de Janeiro, Brazil. The Global Initiative has published a briefing on the links between sexual exploitation and corporal punishment of children, and the importance of prohibiting all corporal punishment in the fight against sexual exploitation. The briefing is

available on the Global Initiative website in [English](#), [Spanish](#), [Portuguese](#), [Russian](#) and [French](#).

In Lebanon, **World Vision Lebanon** launched a national campaign to end corporal punishment in all settings, including in the home. Protect Children from Violence Month includes a seminar, a roundtable discussion and grassroots activities to raise awareness about the issue and to build public support for action by policy makers to address the problem. Further details available [here](#).

In the US, [“The Hitting Stops Here! Campaign”](#) launched a month-long campaign in Robeson County, North Carolina, to achieve prohibition in schools by the first day of school, August 25, and to develop a plan to implement positive discipline models designed by Dr Jane Nelsen. In presenting to the Robeson County School Board, director of the campaign, Paula Flowe, argued: “Some of you might say ‘I was whipped and I turned out all right’. I don’t know how right you are if you continue to allow children to be beaten and there is no law that protects them.” (Quoted in *FayObserver.com*, 13 August 2008). In Ohio, House Bill 406 which would prohibit school corporal punishment is under consideration by the Education Committee (*The People’s Defender*, 4 September 2008).

In other states around the world, individuals and organisations have called for prohibition and some progress has been made:

Ghana: The General Overseer of the Jesus Generation Sanctuary Church and Evangelistic Ministry, Rev. Nana Anyani Boadum, criticised the use of caning in schools and said that striking a child in school or at home is wrong. Drawing attention to the 2009 deadline for prohibition set by the UN Study on Violence against Children, Rev. Boadum described caning as “an extension of the wrongful behaviour of the past patriarchal system of dominance which thought and believed that children and women have to be physically punished for their misdemeanours”. (*Accra Mail*, 13 August 2008)

India: In Kocki city in Kerala, a joint initiative by the Indian Academy of Paediatrics, the National Rural Health Mission and the Ernakulam district administration are set to make around 100 schools “child-friendly” by, among other things, banning corporal punishment. (*The Hindu*, 9 August 2008).

Iran: Welcoming the announcement that execution by stoning is to be suspended, Amnesty International called for the prohibition of other cruel and inhuman punishments, including flogging and amputation. Proposed new penal legislation is currently being considered. (*Amnesty International*, 15 August 2008)

Kenya: Human Rights Watch published a [letter](#) to the Kenyan Minister for Justice, National Cohesion and Constitutional Affairs concerning the continued use of corporal punishment in schools, and called for prohibition in all settings. (*Human Rights Watch*, 16 July 2008)

UK: The Court of Appeal ruled that legislation allowing the use of painful “distraction” techniques “for the purposes of ensuring good order and discipline” against juveniles under detention in secure training centres should be quashed. Referring to previous advice given by the Parliamentary Joint Committee on Human Rights (JCHR) to the Secretary of State that the law should comply with the UN Convention on the Rights of the Child, including the recommendations of the UN Committee on the Rights of

the Child and its General Comment No. 8, Lord Justice Buxton stated (para. 61): “The JCHR pointed out to the Secretary of State that General Comment 8 of the UN Committee states that deliberate infliction of pain is not permitted as a form of control on juveniles. The Secretary of State denied that he sanctions the use of ‘violence’ against children but, as the JCHR pointed out, that is exactly what [distraction techniques] does provide for. Further, the Secretary of State appeared to suggest to the JCHR that he was bound only by the Convention, and not by the view of the UN Committee. The JCHR, at §30, stated that it was very disappointed by the Secretary of State’s apparent lack of respect for the views of the UN Committee. So am I. And ... that must raise serious doubts as to the degree of understanding with which the Secretary of State approaches his obligations under article 3 [of the European Convention on Human Rights].”

US: Many school boards reviewed the use of corporal punishment in their schools in preparation for the new academic year. In Alabama, Mooresville Grades School District removed provisions for corporal punishment from its policies in August (*Mooresville Tribune*, 15 August 2008), and in North Carolina, the Johnston County Board of Education banned corporal punishment in its schools (*News14.com*, 13 August 2008), though state-wide prohibition is yet to be achieved in these states. But in Georgia Twiggs County School Board reinstated corporal punishment (*macon.com*, 15 July 2008) and Tyler Independent School District in Texas voted to retain school corporal punishment (*Tyler Paper*, 20 August 2008).

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3. Research and reports

Studies and reports have been published and/or reported which highlight the problem and prevalence of corporal punishment of children, including:

Australia: A study by the Murdoch Children’s Research Institute found that harsh discipline and parental stress increases the risk of mental ill health among children even as young as 3. Analysis of more than 700 toddlers aged 3 months to 3 years found that those who experienced physical punishment were more likely to kick, hit and bite others and become socially withdrawn. (Reported in *TopNews Health*, 30 July 2008).

South Africa: The latest edition of [Article 19](#) was published in August. The journal is dedicated to highlighting issues related to corporal punishment of children, and aims to promote positive discipline and achieve full prohibition in South Africa and on the African continent. It is published every four months by the Children’s Rights Project at the Community Law Centre. Articles in this latest issue include global progress in gaining faith-based support for legal reform and a report of the 2008 meeting of the Southern African Network To End Violence Against Children.

US: A [joint report](#) by Human Rights Watch and the American Civil Liberties Union, published in August, highlighted the extent of corporal punishment of children in schools. The report reveals that more than 200,000 students were punished in the year 2006-7, with African-American students and disabled students punished disproportionately. In several cases the punishments resulted in serious injury. Human Rights Watch and the ACLU called on the US government to prohibit corporal punishment in schools.

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4. Media watch

A selection of other recent global media coverage on corporal punishment of children:

Australia: In Queensland, debate about the legality of smacking by parents followed the case of a woman given two years probation for whipping her two children with a belt. (*Sunshine Coast Daily*, 11 August 2008)

France: A teacher was fined 500 euros for slapping a student, after being convicted of “aggravated violence”. A petition in support of the teacher has been mounted, with extensive public and union support for the teacher’s position. (*time.com*, 14 August 2008; *Arab News*, 16 August 2008)

India: A teacher and his nephew were held on suspicion of assault after allegedly beating three students to the point of bruising. The incident occurred in Bulandshaher district in Uttar Pradesh, indicating the spread of awareness of children’s rights to rural areas. (*The Times of India*, 11 August 2008)

Kenya: Intense media debate about whether or not to reintroduce corporal punishment in schools, fuelled by contradictory statements from government, followed student protests in a number of schools. The Gender and Children’s Affairs minister confirmed that the ministry would never support caning in schools, and the Education minister ruled out its reintroduction. (*The Nation*, 4, 7 and 19 August 2008)

Namibia: An 11 year old primary school pupil was hospitalised after the teacher allegedly hit his head with a chalkboard duster. (*Namibian*, 13 August 2008)

South Africa: A primary school teacher in Gauteng is under investigation after allegedly punishing her students by hitting and scalding them. The education department has taken disciplinary action against 19 teachers in enforcing the prohibition of corporal punishment in schools. (*Sowetan*, 31 July 2008)

Thailand: The Ministry of Education is to set up an enquiry following the unlawful caning by a teacher of eight students. (*Bangkok Post*, 20 August 2008)

US: In Indiana, proposals to give teachers immunity from “unreasonable litigation” after inflicting corporal punishment (which is lawful) are being discussed. (*Indystar.com*, 12 August 2008)

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5. Human rights treaty monitoring on children’s right to protection from corporal punishment

The **Committee on the Elimination of Discrimination against Women** held its 41st session in June/July and for the first time made strong recommendations concerning the obligation on states to prohibit corporal punishment of children in the home. In its concluding observations to the [UK](#) and to [Slovakia](#), the Committee expressed concern that “corporal punishment is lawful in the home and constitutes a form of violence against children, including the girl child”, and recommended that each state “include in its legislation the prohibition of corporal punishment of children in the home”.

Following its examination of the UK at its 93rd session in July, the **Human Rights Committee** expressed concern at the legality of corporal punishment in schools in Bermuda, the British Virgin Islands, Gibraltar, Montserrat and the Crown Dependencies, and

recommended explicit prohibition “in all schools in all British Overseas Territories and Crown Dependencies”. The full concluding observations are available [here](#).

The [report of the official visit to Albania](#) by the **Council of Europe Human Rights Commissioner** in October/November 2007 is now available. The Commissioner emphasised that protecting children from violence “requires both a legal base and a firm message from both political and educational institution leadership”, and recommended that the Government “ensure and enforce an outright ban on corporal punishment in domestic settings as well as in all institutions for children including schools, hospitals, and detention centres, and denounce such violence against children from the highest authority”.

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. The treaty bodies are due to examine the following states at their next sessions:

[Committee on the Rights of the Child](#) (49th session, Sep/Oct 2008): Convention on the Rights of the Child – Bhutan, Djibouti, UK (including overseas territories and crown dependencies); Optional Protocol on the Involvement of Children in Armed Conflict – Tanzania, Uganda, UK; Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography – Austria, Lithuania, Tanzania, Uganda

[Committee Against Torture](#) (41st session, Nov 2008): Belgium, China (including Macau and Hong Kong), Kazakhstan, Kenya, Lithuania, Montenegro, Serbia

[Committee on Economic, Social and Cultural Rights](#) (41st session, Nov 2008): Angola, Kenya, [Kosovo], Nicaragua, Philippines, Sweden

[Human Rights Committee](#) (94th session, October 2008): Denmark, Japan, Monaco, Nicaragua, Spain

[Committee on the Elimination of Discrimination against Women](#) (42nd session, Oct/Nov 2008): Bahrain, Belgium, Cameroon, Canada, Ecuador, El Salvador, Kyrgyzstan, Madagascar, Mongolia, Myanmar, Portugal, Slovenia, Uruguay

Plus ...

The [Human Rights Council Universal Periodic Review](#) (3rd session, Dec 2008): Bahamas, Barbados, Botswana, Burkina Faso, Burundi, Cape Verde, Colombia, Israel, Liechtenstein, Luxembourg, Montenegro, Serbia, Turkmenistan, Tuvalu, United Arab Emirates, Uzbekistan

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6. Can you help?

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

If you can provide information relating to the legality of corporal punishment of children, research on prevalence and/or children’s views and experiences, positive parenting resources, or initiatives and campaigns promoting prohibition, please email

info@endcorporalpunishment.org.

We are particularly trying to find out if corporal punishment of children has been explicitly prohibited in the following settings/states:

Schools – Nauru, Niue

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

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

Alternative care settings – Central African Republic, China, DPR Korea, Djibouti, El Salvador, Gabon, Guinea-Bissau, Iraq, Kuwait, Libyan Arab Jamahiriya, Nauru, Niue, Taiwan

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We hope you find this newsletter informative and useful and would welcome your comments: please email info@endcorporalpunishment.org. We are sending the newsletter to supporters of the aims of the Initiative (for the full list, click on “Supporters” on the [sitemap](#)) 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.

“All forms of physical punishment of children are a violation of basic human rights. These rights, protected by the European Convention on Human Rights, the European Social Charter and the United Nations Convention on the Rights of the Child, belong to children and adults. We care for children and help them to develop, but we do not own them. As guardians of their well-being, we have a legal and moral responsibility to provide them with a childhood which honours their rights and leaves them with a legacy which does not condone violence. Only when this happens will Europe become a true home for children.”

(Maud de Boer-Buquicchio, Deputy Secretary General of the Council of Europe, in the preface to Global Initiative (2007), *Eliminating corporal punishment: A human rights imperative for Europe’s children*, 2nd edition)