

GLOBAL INITIATIVE NEWSLETTER 5 (NOVEMBER 2008)

Welcome to the November 2008 newsletter of the Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org)!

As always, there is a lot to report – the latest annual progress report by the Global Initiative, the report of the first global workshop on law reform, Plan International's large scale campaign against school corporal punishment, the latest human rights developments, and national news from all over. Read on ...

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- 6. Can you help?

1. Global progress

The Global Initiative has just released its latest report on worldwide progress towards prohibition, published jointly with Save the Children Sweden (further details below).

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2. Campaigns and calls for prohibition

Campaigns

The **Council of Europe** initiative to prohibit corporal punishment throughout the 47 member states, including in the home setting, continues to gain momentum. For example:

- in Albania, a number of activities are organised for November and December, including awareness raising through the mass media of the negative effects of corporal punishment, children's right to prohibition, and positive parenting, as well as distribution of the materials on corporal punishment developed by the Council of Europe.
- in the Czech Republic, Human Rights and Minorities Minister Dzamila Stehlikova announced that the Stop Violence Against Children campaign, aimed at ending corporal punishment, will be launched next year.
- in Slovenia, the new President of the Parliament plans to hold a special event on Human Rights Day, during which he will publicly sign the Council of Europe initiative against corporal punishment of children.

Information on the Council of Europe campaign and access to the associated resources are available here.

Plan International has launched its Learn Without Fear campaign (also in French and Spanish), which focuses on ending violence against children in schools. The campaign targets three of the most common and damaging forms of violence in schools – sexual violence, bullying and corporal punishment, and will have a special focus on 49 countries in Africa, Asia and Latin America. It aims to persuade governments to prohibit all forms of violence in schools, including corporal punishment, and to implement the prohibition. It will also involve working with school leaders and teachers to create violence-free schools and promote positive disciplinary methods. The launch of the campaign coincided with the publication of Plan's most comprehensive global examination of school violence to date. The full report and summary is available in English, French and Spanish, together with reports of the research commissioned by Plan, on the campaign resources page.

A public awareness campaign against corporal punishment in public schools was launched in the US by The Hitting Stops Here!. The "21 To Go!" campaign aims to raise awareness that 21 states still allow corporal punishment in schools, through events across the US and culminating in January 2009 with a demonstration at the US Capitol Building.

For details of ongoing campaigns for law reform to prohibit corporal punishment, see the Global Initiative's new Global Report 2008 (further details below).

Calls for prohibition

- *Barbados:* Minister of Education Ronald Jones called for the abolition of flogging in schools. (*Nation News*, 5 November 2008)
- *Iran:* In the fourth round of dialogue on human rights between Iran and Switzerland, the Swiss Federal Department of Foreign Affairs criticised the use of corporal punishment in the penal system. Delegations from the two countries agreed on closer collaboration in the field of juvenile justice. (FDFA media release, 9 September 2008)
- Malaysia: UNICEF called for a ban on corporal punishment in schools in a statement marking the second anniversary of the UN World Report on Violence Against Children. (nstonline, 8 October 2008)
- UK: A cross-party group of MPs supported an amendment to the Children and Young Persons Bill to repeal section 58 of the Children Act, which allows parents to administer "reasonable punishment", and more than 100 Labour MPs called for a free vote on the issue. But shortage of parliamentary time prevented discussion of the amendment. The Department for Children, Schools and Families issued a <u>statement</u> defending the government's resistance to law reform. All this came during a period of heavy criticism of the legality of corporal punishment from the Council of Europe Human Rights Commissioner and the UN Committee on the Rights of the Child (see below), as well as the publication of a damning <u>report by the Children's Rights</u> Alliance for England.
- United Republic of Tanzania: During visits to Save the Children Projects in Lindi, the Swedish Ambassador, Mr Staffan Herrstrom, issued a statement calling for an end to corporal punishment in schools. He cited a recent survey in which only 20% of children interviewed said they had not been corporally punished in school. (Daily News, 11 September 2008)

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3. Research and reports

International reports

In October, the **Global Initiative** published jointly with Save the Children Sweden its <u>Global Report 2008</u> on worldwide progress towards universal prohibition. The report documents the progress made over the previous 12 months, which has seen the total number of states achieving full prohibition grow to 23, including the first Latin American states (Uruguay, Venezuela and Costa Rica) and the first English speaking state (New Zealand). More states have made firm commitments to law reform, with 17 governments publicly committing themselves to prohibition and law reform under way in at least a further seven.

For the first time, the report includes information on national campaigns in nearly all regions, including Latin America, North America, Asia, Europe, the Middle East and Africa. It also covers the Council of Europe's region-wide campaign to make Europe a "corporal punishment-free zone", and other international campaigns.

The report provides an up to date overview of the obligation to prohibit under international human rights law, and includes a global table of states' progress towards meeting this obligation. It includes information on useful resources to support law reform and on building

faith-based support for prohibition, providing both a snapshot of progress to date and an inspiration and resource for those just beginning the process.

A limited number of hard copies of the report are available for use in advocacy: e mail us at info@endcorporalpunishment.org.

Save the Children Sweden has published its Report of the first global workshop on "Prohibiting all corporal punishment and other humiliating punishment of children:

Achieving legal reform", held in Bangkok, Thailand, in May 2008, in collaboration with the Global Initiative to End All Corporal Punishment of Children and the Churches' Network for Non-Violence (see Newsletter 3, June 2008). The report – "Towards the universal prohibition of all violent punishment of children" – documents the information exchanged during the workshop and provides an important resource for all those working to achieve law reform. Synthesizing the presentations made by the key speakers with the issues raised in discussion and the experiences brought to the workshop by the participants, the report includes sections on:

- the elements of legal reform and details of global progress to date
- how to get laws into and through parliament, with examples of the experiences in New Zealand, Costa Rica, the Philippines and Romania
- how to engage children in the law reform process, including examples from Venezuela, Kenya and South Africa
- progress in gaining faith-based support for prohibition
- implementation of prohibition in the home and other settings, with examples from Sweden, New Zealand, South Africa and Romania
- the use of legal action and regional and international human rights mechanisms
- national lobbying to promote prohibition and elimination of corporal punishment

It also includes answers to frequently asked questions about prohibition, an analysis of the legality of corporal punishment in all settings, in all countries, a regional analysis of ratification of international and regional complaints/communications mechanisms, and information on useful resources

National reports/research

Australia: A federal government funded survey of over 500 adults by the <u>Australian Council</u> of <u>State School Organisations</u> found that while most believed discipline in schools is too lax, few supported a return to corporal punishment. (Reported in *The Herald Sun*, 10 October 2008).

Canada: The 11th annual statistical report on family violence has been published by the Canadian Centre for Justice Statistics under the Federal Family Violence Initiative. This year's main focus is spousal violence but it also includes information on family violence against children and youth. The data shows that in 2006, for children and youth under 18 who are the victims of violence by a family member, parents are the most commonly identified perpetrators. Girls experienced higher rates of physical assault by family members than boys. In about 4 in 10 cases child victims sustained physical injury, more likely for boys than girls (46% compared with 35%). These figures highlight the violence children are subjected to by their parents, but they refer

only to incidents reported to the police and so do not indicate the true prevalence of violent punishment of children by parents.

- Finland: A child victim survey published by the Police College of Finland found a decrease in the prevalence of corporal punishment of children compared with 1988. In the survey of over 13,500 children aged 12-15, in January 2008, a third of ninth-graders and one fifth of sixth graders reported experiencing mild corporal punishment at home. (Reported in YLE.fi, 4 October 2008)
- New Zealand: In the wake of prohibition of all corporal punishment in 2007, the Children's Commissioner commissioned a benchmark survey in order to gauge changes in attitudes towards corporal punishment and the law. Of a nationally representative sample of 750 adults, 43% supported the law, compared with 28% who opposed it. Support for the use of corporal punishment is declining over time: 58% agreed that there are some circumstances in which smacking a child is acceptable, compared with 87% in 1993 and around 90% in 1981. The research found a high awareness of the law change (91%), but a lower understanding of the law, and high levels of support (84-89%) for the principle of equal protection from assault for children and adults. The research confirms that attitudes and knowledge of the law are changing, even over the one-year period since its introduction. The report includes detailed recommendations for continued and improved implementation of the law based on the issues raised.

Preliminary results were announced of interviews with parents/carers from 100 families for a study entitled "Family Discipline in Context", carried out by the Children's Issues Centre of the University of Otago. The research found that the majority of parents are using positive disciplinary methods; almost half are in favour of the legislation passed in 2007 which repealed the legal defence for the use of force by way of correction; and those who opposed or were undecided about the new law did not understand it. While 41% admitted using corporal punishment, only 9% felt it was effective

Crime figures show a decrease in the years following prohibition of corporal punishment in schools. A Victoria University criminologist found that reported crime was steady at 2 crimes per 100 people between 1900 and 1970, then climbed to 13 crimes per 100 by 1992. But since then (two years after school corporal punishment was prohibited), crime has fallen and since 2002 has levelled out at 10 crimes per 100 people. The figures indicate that despite popular perceptions, the increase in crime over the last 40 years cannot be tied to a perceived recent weakening of school discipline. (Reported in *nzherald.co.nz*, 29 September 2008)

UK: A survey of over 6,000 teachers by the Times Educational Supplement found that four out of five are against the use of corporal punishment in schools, and opposition was even higher among primary school teachers and head teachers. Teaching unions distanced themselves from those who would support the reintroduction of corporal punishment, and a spokesperson for the Department for Children, Schools and Families commented: "Violence against children is clearly unacceptable and illegal." (Reported in Times Educational Supplement, 3 October 2008)

In Scotland, an <u>Ipsos MORI poll</u> for Parenting Across Scotland revealed that 5% of the 1,000 parents surveyed had smacked their child "fairly often" or "sometimes" in the previous year, 15% had smacked their child one or twice during that time, and

around 20% had threatened to smack their child. Only 1% believe smacking is an effective way of changing a child's behaviour, and 3% believe threatening to smack is effective. A majority of parents (71%) have shouted or yelled at their child, though only 7% consider this to be effective. Also in Scotland, the Centre for Research on Families and Relationships of Edinburgh University published a <u>briefing</u> based on findings from the Growing Up in Scotland (GUS) study. Interviews with more than 4,500 parents of toddlers and nursery aged children revealed that less than one in five think smacking is useful when caring for 3 year olds, and fewer think it is useful for even younger children.

Researchers at the Centre for Longitudinal Studies in the Institute of Education, London University, who are tracking the development of more than 15,000 UK children as part of the Millenium Cohort Study, published their initial findings from the third survey, which reveals that Welsh mothers are less likely to smack their children that mothers elsewhere in the UK; mothers in Northern Ireland were most likely to report smacking their children. Half of the mothers in Wales (49%) said that they never smacked their five year old child, compared with 35% in Northern Ireland, 45% in England and 43% in Scotland. The full report can be downloaded here (click on *MCS3 – User's Guide to Initial Findings*).

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4. Media watch

The mass media over the last two months contained the usual mixture of horror stories of injurious corporal punishment, calls for its reintroduction, and positive moves towards eliminating it:

Australia: Following reports of bullying in schools, MP Rosa Lee Long, Queensland, has called for the reintroduction of caning in schools. (*The Cairns Post*, 12 September 2008)

The Head of the Anglican Church has backed a proposal in Queensland to limit the defence of the use of force by way of correction to common assault. (*couriermail.com.au*, 2 November 2008)

Bermuda: A counsellor from the Women's Resource Centre is providing a parenting course which focuses on distinguishing between discipline and punishment, and equipping parents with skills to discipline their children without resorting to corporal punishment. The counsellor, Ms Tracy Thomas, stated: "Discipline based on keeping a child's dignity and self-esteem rather than placing shame, blame and guilt. Punishments are where you inflict injury or a penalty is imposed. Lots of times if a parent is angry they will use physical punishment in the heat of the moment. Kids often respond with their own feelings of revenge, not remorse. Also, studies show physical punishment causes children to become anxious." (Quoted in Bermuda Sun Online, 10 September 2008)

China: An elementary school teacher in Beijing was dismissed and taken into police custody for beating his students for not completing their homework. He has been ordered to pay the students' medical bills. (*The Straits Times*, 14 October 2008)

- Egypt: In separate incidents, two primary school children died following corporal punishment by their teachers. An 11-year old boy in Alexandria died after being punched and kicked for not doing his homework the day after an investigation was launched into the "broomstick beating" of 15 primary school children. Days later, a 10 year old girl in Cairo died reportedly after being punished by her teacher over her homework. The deaths prompted Minister of Education Youssri Al Jaml to convene an emergency meeting and reiterate "the absolute prohibition on the use of violence and corporal punishment in schools". According to experts, corporal punishment is common in schools, despite being explicitly prohibited. UNICEF research was cited which estimated that 50% of children in Upper Egypt and 70% of children in urban areas are subjected to corporal punishment in schools. (Daily News Egypt, 31 October 2008, 5 November 2008; Gulf News, 9 November 2008)
- Fiji: A teacher and a priest were arrested after allegedly punching a student to "discipline" him, prompting the Interim Education Minister Filipe Bole to draw attention to the fact that corporal punishment is illegal by virtue of a 2002 Lautoka Court judgment. The Minister stated: "The ministry views corporal punishment issues with seriousness. It is difficult to quantify the physical and psychological effects of such actions on the child. It is important for teachers to realise the trauma which results from such actions." But no commitment was reported to confirming the court ruling in legislation. (fijivillage.com, 27 October 2008; Fiji Daily Post, 28 October 2008)
- Guyana: Parents have called for tougher corporal punishment in schools. (Miami Herald, 2 October 2008)
- *India:* A school principal was booked for tying a five year old pupil with ropes and dragging him as a punishment for irregular school attendance. (*mangalorean.com*, 24 October 2008)
- *Iraq:* Children as young as 9 are being held in detention in Iraq and being subjected to beatings and sexual abuse. (*The Guardian*, 8 September 2008)
- Malaysia: The Education Ministry is to carry out a study on positive discipline in several schools in the Kland Valley in 2009. The Ministry will also study a working paper on positive discipline by the Malaysian Psychology Association and UNICEF. (*The New Straits Times*, 26 September 2008)
- Mauritius: Government officials continue to speak out against the reintroduction of corporal punishment in schools. In response to publication of a book on the Mauritian education system which called for amendments to legislation to allow for corporal punishment, (lexpress Outlook, 21 October 2008), and apparent support from the Government Teachers' Union and the Government Hindi Teachers' Union, Minister of Education Vasant Bunwaree stated at the launch of the book "One cannot be an advocate of non-violence and ask the right to use violence on children at the same time". Gilberte Chung, director of the Bureau de l'education catholique (BEC) concurred, "We support dialogue and we listen when a child is aggressive. Our experience shows that the children can be put on the right track without the use of violence."
- Pakistan: A media workshop was planned in Lahore on "Combating Child Marriages and Corporal Punishment" aimed at sensitising the media, experts and academics on the negative effects of corporal punishment and raising awareness of this among the general public, especially through print and electronic media. The workshop was supported by the Ministry of Social Welfare and Special Education, and was a joint

- collaboration of the National Commission for Child Welfare and Development and Plan Pakistan. (*Daily Times*, 17 October 2008)
- Republic of Korea: A teacher was filmed beating and slapping a student because she was unable to continue the group physical punishment that had been ordered (doing squats with arms around each other's shoulders). Following widespread criticism of the teacher's actions, the Daegu Metropolitan Office of Education reportedly announced that it would dispatch school commissioners to the school and hold a disciplinary meeting to decide the level of punishment for the teacher, but it appears that the objection was to the individual beating of the student in anger and not to the corporal punishment meted out to the whole group. (*The Korea Times*, 3 November 2008) (Note: Corporal punishment is lawful in schools in the Republic of Korea, though draft legislation has been proposed which would prohibit it.)
- Somalia: A 13 year old faced the most extreme corporal punishment when she was stoned to death, causing international outcry. Although she was a victim of rape, she was found guilty of adultery under Islamic law. (Amnesty International, 31 October 2008)
- South Africa: The Freedom Front Plus Youth called for corporal punishment to be reinstated, a spokesperson stating that "this will contribute to a more disciplined and safer learning environment". The League intends to submit a memorandum to President Kgalema Motlanthe calling for the reintroduction of corporal punishment.

 (www.iol.co.za, 20 October 2008) (South African Press Association, 20 October 2008)
- *Uganda:* Police issued a warning to teachers and school administrators against using corporal punishment, following an incident in which a teacher damaged the spinal code of a 16 year old girl student while punishing her. (*New Vision*, 4 November 2008)
 - Apac deputy resident district commissioner Semei Okwir, addressing the children's protection committee at a Save the Children workshop, warned that those who perpetrate child abuse including corporal punishment in schools will face prosecution. (*New Vision*, 5 November 2008)
- United Arab Emirates: Dr Ezzeddine Ebrahim, a Cultural Advisor at the Ministry of Presidential Affairs, published advice on the rules of fasting for children in Ramadan. In disciplining children to pray, beating should only be light and only inflicted with the hand, he says, but rules for prayer do not apply to rules for fasting, where only guidance and encouragement may be used in instructing children. (gulfnews.com, 26 September 2008)
- US: A man in Pennsylvania was acquitted by a Northampton County jury from charges of assault after beating his grandson. The boy was found with a scratch on his cheek, welt marks on his forearm and red buttocks after being hit with a wooden paddle. The media reported Pennsylvania law as prohibiting only corporal punishment which causes death, serious bodily injury, disfigurement, or severe pain, anguish or degradation. (The Morning Call, 11 September 2008)

Corporal punishment was found to be used against student athletes at Simeon Career Academy in Illinois, despite being prohibited. Following this discovery, more students have come forward to report being physically punished and other schools are under investigation. (*WBBM Newsradio 780*, 24 September 2008; *cbs2chicago.com*, 6 October 2008)

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

The Committee on the Rights of the Child held its 49th session in September/October. examining implementation of the Convention on the Rights of the Child in Bhutan, Djibouti and the UK (including overseas territories and crown dependencies). The Committee expressed concern at the legality of corporal punishment in Bhutan in the home, schools and alternative care settings, including monasteries. The Committee welcomed the ban on corporal punishment in schools in Djibouti, but expressed concern that children are still subjected to it, especially in the home. Regarding the UK, the Committee expressed regret that its previous recommendations had not been fully implemented. In particular, it regretted that legislation in England, Wales, Scotland and Northern Ireland had been amended to restrict the application of the "reasonable chastisement" defence rather than to abolish it altogether. The Committee emphasised that "the existence of any defence in cases of corporal punishment of children does not comply with the principles and provisions of the Convention, since it would suggest that some forms of corporal punishment are acceptable" (CRC/C/GBR/CO/4, para. 40). The Committee also recommended that the UK abolish the use of physical restraint for disciplinary purposes against children in detention. The Committee's recommendations relating to corporal punishment are available on the Global Initiative website. The full concluding observations can be downloaded from the Committee's website.

Following its 94th session in October, the **Human Rights Committee** expressed concern at corporal punishment in schools in Nicaragua, and recommended prohibition in schools and other institutions.

The **Inter-American Commission on Human Rights** concluded its 133rd period of sessions in October. The Rapporteurship on Children's Rights has also developed the content of a report on corporal punishment and a request for a consultative opinion on that issue. The Rapporteurship is also preparing a report on juvenile justice under an agreement with UNICEF. A <u>questionnaire</u> has been designed which includes attention to the disciplinary measures permitted in juvenile detention centres. Member states have until 5 December to submit responses, and civil society organisations are also invited to respond.

In November the Southern African Network to End Corporal and Humiliating Punishment of Children, supported by Save the Children Sweden, and the African Child Policy Forum sent a delegation to the **African Committee of Experts on the Rights and Welfare of the Child** at its 12th Session in Addis Ababa, Ethiopia. The delegation presented legal arguments and research on corporal punishment in African States and appealed to the Committee to take leadership on the continent by calling for Member States to prohibit all forms of corporal punishment in all settings. The <u>submission</u> was endorsed by a wide range of organisations from across the continent. The Committee agreed that they would draft guidelines on positive discipline, with the assistance of the Southern African Network, and then send these to state parties together with an instruction to prohibit corporal punishment and other humiliating punishment of children.

The Commissioner for Human Rights of the Council of Europe, Mr Thomas Hammarberg, published a memorandum following his visits to the UK in February and March/April 2008, in which he strongly criticises laws which allow "reasonable punishment"

and "justifiable assault". The Commissioner also criticises the UK's recent review of the law in England and Wales in which, he says, the Government "appears to have overlooked or dismissed the overwhelming response to the broad consultation which was in favour of banning physical punishment of children and for children to enjoy the same rights to protection as adults". He notes that as long as corporal punishment remains lawful, the Government's statement that it does not condone smacking "lacks credibility". The Commissioner also criticised the UK for its failure to comply with children's human rights in the juvenile justice system, urging 'the immediate discontinuation of all methods of restraint that aim to deliberately inflict pain on children' and seeks an explicit ban on the use of corporal punishment in custody, commenting that he 'is not aware of any other member state that sanctions the use of deliberate pain as a method of restraining a child'.

The Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran was published by the **General Assembly** in October. The report cited amputations and corporal punishment as "a serious cause for concern" and quoted the concerns of the Committee on the Rights of the Child in relation to the infliction of these punishments on children

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:

<u>Committee on the Rights of the Child</u> (50th session, January 2009): Convention on the Rights of the Child – Democratic People's Republic of Korea, Democratic Republic of Congo, Malawi, Republic of Moldova, Netherlands (including Aruba and Netherlands Antilles), Republic of Chad; Optional Protocol on the Involvement of Children in Armed Conflict – Maldives, Republic of Moldova, Tunisia; Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography – Maldives, Netherlands

<u>Committee Against Torture</u> (42nd session, Apr/May 2009): Chad, Chile, Honduras, Israel, New Zealand, Nicaragua, Philippines

<u>Committee on Economic, Social and Cultural Rights</u> (42nd session, May 2009): Australia, Brazil, Cambodia, Cyprus, Madagascar, UK

<u>Human Rights Committee</u> (95th session, March 2009): Australia, Chad, Rwanda, Sweden

<u>Committee on the Elimination of Discrimination against Women</u> (43rd session, Jan/Feb 2009): Armenia, Bhutan, Cameroon, Dominica, Germany, Guatemala, Haiti, Libyan Arab Jamahiriya, Rwanda

Plus ...

The <u>Human Rights Council Universal Periodic Review</u> (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:

Penal system (sentence of the courts) – 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, Libyan Arab Jamahiriya, Niue, Sao Tome & Principe, Syrian Arab Republic

Alternative care settings – China, El Salvador, Gabon, Guinea-Bissau, Kuwait, Libyan Arab Jamahiriya, 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@endcorporalpounishment.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.

"We are now approaching the 20th anniversary of adoption by the United Nations of the Convention: this should surely accelerate the movement towards achieving universal prohibition and an end to the social acceptance of violent or humiliating punishment of children."

(Professor Yanghee Lee, Chairperson of the Committee on the Rights of the Child, Ending legalised violence against children: Global Report 2008, p.3)