



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

## **GLOBAL INITIATIVE NEWSLETTER 21** **(OCTOBER 2012)**

The Global Initiative is delighted to announce another state prohibiting corporal punishment in the home and all other settings – and with the ever expanding list of states where law reform is under way there are sure to be similar announcements for other states in the near future. With information on the growing prominence of the issue of corporal punishment in human rights jurisprudence, ongoing and new campaigns and calls for prohibition, many new research studies and a batch of new resources from the Global Initiative, we hope you find the newsletter informative and useful for your advocacy for children.

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### **\*CALL FOR INFORMATION\***

The Global Initiative is preparing its annual global progress report for 2012. If you are currently actively campaigning for law reform to prohibit corporal punishment, please let us know (email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)). We are especially seeking photographs of campaigns in action and illustrations of campaign materials.

### **\*NEW RESOURCES FROM THE GLOBAL INITIATIVE\***

#### **New West Africa report**

A new regional report is now available, published by the Global Initiative in collaboration with Save the Children and Plan International. The 36-page report, *Prohibiting corporal punishment of children in West Africa: progress report 2012* (in [English](#) and [French](#)), includes alarming statistics on the inadequacy of legal protection of children from corporal punishment but also documents active campaigns at national and regional levels, growing faith based support for prohibition, and significant and immediate opportunities for law reform to prohibit corporal punishment across the region.

Intended as a tool to provoke and support advocacy to prohibit and eliminate corporal punishment, the report provides information on the human rights imperative for law reform and the work of the treaty monitoring bodies in relation to West African states, details of ratification of human rights instruments and acceptance of relevant communications and complaints mechanisms in the region, a state-by-state analysis of the legality of corporal punishment in the home, schools, penal system and care settings, and individual country reports for every West African state.

#### **New edition of “Progress and delay”**

The Global Initiative’s popular leaflet summarising progress and delay worldwide towards prohibiting corporal punishment in all settings has been updated. The 8-page leaflet, *Prohibiting all corporal punishment of children: progress and delay*, presents useful facts and figures, as well as listing states which have achieved prohibition of all corporal punishment, states which have received repeated recommendations to prohibit from the Committee on the Rights of the Child and states which have rejected recommendations to prohibit made during the Universal Periodic Review. A world map shows where corporal punishment is prohibited in all settings, in some settings and in no settings, as well as highlighting states which have made a commitment to law reform. Hard copies are available from [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org).

#### **Two new thematic briefings**

The right to protection from corporal punishment is an integral aspect of many fundamental rights and freedoms and the effects of violations of it are felt not only on children but at all levels of society. The Global Initiative has produced two leaflets to raise awareness of the links between corporal punishment and other issues within the human rights framework – one on the importance of including corporal punishment of children in working on violence against women (*Prohibiting and eliminating corporal punishment of girls – a key element in the global challenge to all violence against women and girls*), the other aimed at all those working for the rights of persons with disabilities (*Prohibiting and eliminating all corporal punishment of children with disabilities*). A limited number of hard copies is available from [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org).

## Resources for schools

The Global Initiative has produced a new [list of resources](#) for eliminating corporal punishment in schools, to be used as part of implementing prohibition of corporal punishment in schools. Many are freely available and are aimed at a variety of audiences, including children, teachers, teacher educators, children's rights advocates, governments and school administrations, and are in a variety of languages.

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## 1 GLOBAL PROGRESS

**In summary:** 33 states prohibit corporal punishment in the home, 117 in schools, 157 as a sentence for crime, 121 in penal institutions, 40 in all forms of alternative care (October 2012)

### Albania joins the list of prohibiting states

Albania has been added to the list of states in which children are legally protected from all forms of corporal punishment in all settings, including the home. The Law on the Protection of the Rights of the Child (Law No. 10347, dated 4 November 2010) states in article 21 that the child shall be protected from "any form of ... corporal punishment and degrading and humiliating treatment". Corporal punishment is defined in article 3(f):

*"Corporal punishment" is any form of punishment resorting to the use of force aimed to cause pain or suffering, even in the slightest extent, by parents, siblings, grandparents, legal representative, relative or any other person legally responsible for the child. Corporal punishment includes such forms as: beating, torturing, violent shaking, burning, slapping, kicking, pinching, scratching, biting, scolding, forced action and use of substances to cause physical and mental discomfort.*

The Law, which came into force in May 2011, provides for its implementation through structures at central and local levels working with non-profit organisations in line with rules determined by the Council of Ministers (articles 32 to 39). Sanctions for violation of the law are provided for in article 40 and in the Criminal Code. For further information see the Global Initiative's country report for [Albania](#).

### Other positive moves towards law reform

**Grenada:** The Juvenile Justice Act 2012 has been passed and assented to by His Excellency the Governor-General. The Act explicitly prohibits whipping and flogging as a sentence of the courts for persons under the age of 18. The date of commencement is still to be determined.

**India:** The Ministry of Women and Child Development has proposed amendments to the Juvenile Justice Act which would include a new section on corporal punishment, defining and punishing such punishment in line with the Penal Code provisions on the offences of causing hurt and grievous hurt. We have yet to find out if the proposals would prohibit all corporal punishment, including in the home.

**Pakistan:** The [Right to Free and Compulsory Education Act \(2012\)](#) has been passed in Islamabad Capital Territory, providing for the right to education for children aged 5-16 and prohibiting corporal punishment in government schools for children of that age (article 13). The new law operationalises the right to education in article 25-A of the Constitution. Other provinces must also enact legislation pursuant to the Constitution: a commission in Punjab has been established to draft

relevant legislation and other provinces are expected to follow.

In Khyber Pakhtunkhwa, the Borstal Institutions Act (2012) was passed: it does not include corporal punishment among the permitted disciplinary measures (article 22).

*Peru:* In an interview following a consultation on early childhood (see below), Minister for Women and Vulnerable Populations Ana Jara stressed the importance of Congress approving a bill which would prohibit all corporal punishment of children, including in the home. She stated that the legal concept of “moderate correction” of children must be eliminated and that she was sure the bill would be approved during the current legislative term.

*Swaziland:* The Children’s Protection and Welfare Act (2012) prohibits corporal punishment as a sentence of the courts. The Act has been passed and will come into force after being published in the Official Gazette.

*Trinidad and Tobago:* The Children Act 2012 received royal assent on 6 August: it prohibits corporal punishment by all persons except parents/guardians and therefore achieves prohibition in schools, penal institutions, alternative care settings and as a sentence for crime. Proclamation of the Act is required before it comes into force.

*Viet Nam:* A proposal for law reform to prohibit corporal punishment is under discussion. We are seeking further details.

*Yemen:* The Ministry of Education has issued a Decree banning corporal punishment in schools (Decree No. 426, signed by Dr Abdul Razak). We are making further enquiries.

*Zimbabwe:* The draft new Constitution has been adopted. It protects the rights of all persons to respect for and protection of their human dignity and physical integrity, including the rights “to freedom from all forms of violence from public or private sources”, and not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment. It also states that no law may limit these rights. Significantly, the provision in the current Constitution which explicitly allows corporal punishment of children by parents and as a sentence of the courts is not reiterated in the draft new Constitution. The draft will now be discussed at a Second All Stakeholder’s Conference and debated in Parliament before being submitted to a public referendum.

### **Law reform continues in countries which have already achieved prohibition in all settings**

*Austria:* Corporal punishment was achieved in all settings in Austria in 1989. The prohibition is confirmed in the new Law on the Rights of the Child (2011), article 5(1) of which states (unofficial translation): “Every child has the right to non-violent upbringing. Corporal punishment, the infliction of mental suffering, sexual abuse and other abuses are prohibited....”

*Kenya:* Corporal punishment is unlawful in all settings under the Constitution. The prohibition is confirmed in the Basic Education Bill (2012) currently being debated, which states in article 35 (Prohibition against physical punishment and mental harassment to the child): “(1) No pupil shall be subjected to torture and cruel, inhuman or degrading treatment or punishment, in any manner whether physical or psychological; (2) A person who contravenes the provisions of subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment not exceeding six months or both.” The Bill applies to schools, school correctional facilities and borstal institutions (article 2).

*South Sudan:* Corporal punishment is prohibited in all settings under the Constitution and the Child Act. The General Education Bill (2012) under consideration confirms prohibition in schools.

## Other developments

**Guyana:** The Ministry of Education has completed a National Consultation on prohibition of corporal punishment in schools, gathering stakeholders' views and public opinion on the issue prior to drafting legislation. A report is expected to be produced shortly and a motion taken before a Special Select Committee in the National Assembly.

### But ...

**India:** Uttar Pradesh Minister of Basic Education Ram Govind Chaudhary reportedly spoke in favour of corporal punishment in schools, criticising the Central Government for prohibiting it in primary schools and claiming that caning makes students do well academically. (*India Today*, 10 August 2012)

**Iran:** The Guardian Council approved the final text of the amended Penal Code. President Mahmoud Ahmadinejad is yet to sign the Code into law but is expected to do so at any time. Despite Government claims that the amendments comply with international human rights law, the Code continues to provide for stoning, flogging and amputation, and puts the age of criminal responsibility at maturity under Shariah law (9 for girls, 15 for boys). Human Rights Watch published an analysis of the new Code: *Codifying Repression: An Assessment of Iran's New Penal Code*.

**Namibia:** The defence counsel for four Gymnasium teachers from Windhoek in court for inflicting corporal punishment on a student reportedly asked the court to dismiss the charges, arguing that the prohibition of corporal punishment in the Education Act does not apply to private schools and that the law allows "chastisement" of a child by persons with parental authority (*New Era*, 4 October 2012). In fact, article 56 of the Education Act (2001) explicitly prohibits corporal punishment in private schools: the Child Care and Protection Bill currently being discussed confirms prohibition in schools but it does not repeal the "reasonable chastisement" defence.

**Samoa:** Prime Minister Tuilaepa Sailele announced in the wake of violence between college students that he is seriously considering reintroducing corporal punishment in schools. (*talane.com*, 9 August 2012)

**Somalia:** A new draft Constitution has been endorsed and is to be the subject of a national referendum when security in the country improves. The draft protects human dignity and physical integrity and in article 15 states that the right to personal security "shall be safeguarded through the prohibition of ... all forms of violence, including any form of violence against women, torture, or inhumane treatment"; article 29 provides for every child's right "to be protected from mistreatment, neglect, abuse, or degradation". But it does not explicitly protect children's right to freedom from all forms of corporal punishment, and under articles 2 and 4 Islamic Shari'ah law takes precedence over legislation, including the Constitution.

**Trinidad and Tobago:** National Security Minister Jack Warner reportedly expressed regret that corporal punishment had been stopped in schools. (*Trinidad Express*, 28 August 2012)

**US:** In Massachusetts, the proposed state budget included Amendment 548 (Regulating Treatment of Disabled Persons) which would end the practice of administering electric shocks for "behaviour modification" of people with disabilities, currently used only at the Judge Rotenberg Centre in Canton. The amendment was rejected.

In Delaware, legislation strengthening children's protection from abuse was widely reported as prohibiting corporal punishment in childrearing. However, while Senate Bill 234 – signed into law in September – includes the infliction of pain in its definition of "physical injury", it does not



explicitly prohibit all corporal punishment in childrearing. Deputy Attorney General Patricia Dailey Lewis, head of the Family Division in the state Department of Justice, reportedly confirmed: “This bill does not limit a parent’s right to use reasonable and appropriate discipline on their children in any respect: that right remains intact.” (quoted in *The Associated Press*, 28 June 2012)

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## 2 CAMPAIGNS AND CALLS FOR PROHIBITION

### International and regional developments

The 23<sup>rd</sup> meeting of the Council for Human and Social Development (COHSOD) of the **Caribbean Community (CARICOM)** was held in Guyana in July and focused on violence against children as a key issue. COHSOD received the [report on progress towards prohibiting corporal punishment](#), prepared by the Global Initiative in collaboration with the Global Movement for Children in Latin America and the Caribbean (see [previous newsletter](#)), and recommended that careful consideration be given to alternatives to corporal punishment in schools for discussion at the meeting of COHSOD on education to be held later in 2012. Under an agenda item “Towards full prohibition of corporal punishment”, CARICOM member states were urged to engage key stakeholders in ongoing dialogue on the issue. CARICOM Secretary-General Irwin LaRocque stated: “Let us agree that no violence against children and youth can be justified – not those actions cloaked as ‘tradition’ and culture and certainly not those disguised as ‘discipline’. We must expose ... what is frequently considered ‘a private matter among family’ ....” (quoted in *Caribbean 360*, 19 July 2012)

The **UN Secretary-General’s Global Initiative on Education, Education First**, was launched on 26 September. It aims to ensure education is at the heart of the social, political and development agendas. One of its three priorities is to “Foster Global Citizenship”, under which it identifies the current problem of an “inadequate focus on values”: “The values of peace, human rights, respect, cultural diversity and justice are often not embodied in the ethos of schools. Instead of empowering students to learn and thrive, schools often replicate social inequalities and reinforce social pathologies by tolerating bullying and gender-based violence and subjecting children to physical and psychological punishment. Young people learn much from schools, but what they learn is not only in their lessons. Teachers and administrators must learn to model the skills we want students to develop, such as good environmental practices, participatory decision-making, and the control and prevention of violence through reporting policies and clear codes of conduct.”

An **Expert Consultation on Prevention of and Response to Violence against Children in Early Childhood** was held on 27-28 August in Lima, Peru. The Consultation aimed to identify achievements, challenges and strategies for preventing violence against children in early childhood and had a global and regional dimension. Consideration was given to the experience of advocating for prohibition of corporal punishment in Brazil (where law reform is under way) and to the challenge of advocating change on a problem like corporal punishment which is widely socially accepted.

### National campaigns and calls for prohibition

**Bangladesh:** In an [article](#) published by the Asian Human Rights Commission, Ms Shamim Ara, Assistant Professor and Chairperson, Dept of Law, Dhaka International University, analysed the right of the child in relation to the juvenile justice system in Bangladesh and called for “strict prohibition on sentencing [to] death penalty, life imprisonment and corporal punishment” for persons under 18.

**Canada:** John Fletcher, Editor-in-Chief of the *Canadian Medical Association Journal*, published an [editorial](#) in the September 4 edition calling for repeal of the legal defence for corporal punishment

in childrearing in Canada's criminal law. Referring to an [article](#) by Joan Durrant and Ron Ensom on the ineffectiveness and negative impact of corporal punishment, the editorial concluded: "... Although it is not necessary to make spanking a crime to encourage alternative approaches to parenting, section 43 of the Criminal Code of Canada sends the wrong message, stating, '... a parent is justified in using force by way of correction ... if the force does not exceed what is reasonable under the circumstances.' Law enforcement officers already have discretion to decide when assault is too trivial to merit the full force of the law, and this applies to children as well as adults. But surely any bias should be toward protecting children, who are the most vulnerable. To have a specific code excusing parents is to suggest that assault by a parent is a normal and accepted part of bringing up children. It is not. While section 43 stands, it is a constant excuse for parents to cling to an ineffective method of child discipline when better approaches are available. It is time for Canada to remove this anachronistic excuse for poor parenting from the statute book."

**Ghana:** The [Centre for Human Development and Social Change](#) called on the Government to prohibit corporal punishment in basic and secondary schools. The call was made at Mensakrom during a one day human rights education programme. (*modernghana.com*, 10 September 2012)

**Pakistan:** An advocacy campaign for child rights was launched by the Ministry of Human Rights with pledges to pass legislation on child rights. Prime Minister Raja Pervaiz Ashraf chaired the session at which speakers renewed their commitments to address child issues including corporal punishment. (*The News*, 13 October 2012)

The [Society for the Protection of the Rights of the Child \(SPARC\)](#) called for legislation against corporal punishment, stating that it has become so severe in government and private schools that children are committing suicide. Programme Manager for SPARC Peshawar, Imram Takkar, stated that current legislation is ambiguous and ineffective for monitoring corporal punishment in schools. In 2011-2012, 70 cases of corporal punishment were reported to the provincial government. (*SOS Children's Villages*, 26 June 2012)

A protest walk was held by the Punjab chapter of Child Rights Movement to symbolise society's condemnation of recent incidents of physical and psychological harassment of children that led them to commit suicide. The Movement called for positive discipline training in schools and law reform to prohibit corporal punishment. (*Daily Times*, 14 June 2012)

**St Lucia:** [Rise St Lucia](#) is calling for an end to corporal punishment of children, including through law reform to prohibit it. Co-Director Dr Stephen King challenged the Minister of Education on when corporal punishment would be abolished in schools, and a national consultation on the issue is planned. In July, the organisation submitted the first NGO shadow report for St Lucia to the Committee on the Rights of the Child from the Road to Geneva Youth-NGO Child Rights Coalition, including the results of research on corporal punishment and recommendations for law reform to prohibit it in all settings. The report is available on the [RISE St Lucia website](#).

**UK:** In the context of a [consultation on the Children and Young People Bill in Scotland](#), the [Children Are Unbeatable! Alliance](#) – a group of children's charities – called for corporal punishment to be prohibited in Scotland (Scotland's Parliament has devolved power to prohibit). A Government spokesperson said the Bill would be tabled in parliament in 2013 but there were no plans to change the law on hitting children. (*Express.co.uk*, 18 July 2012)

**US:** The [US Alliance to End the Hitting of Children](#) calls for the prohibition and elimination of corporal punishment under state and federal law. The August 2012 edition of the newsletter is available [online](#).

In January 2013, an online portal is to be launched by [LNR Kids](#) (Love, Nurture Respect Kids),

providing access to free online courses and parenting tools. The portal's stated aim is to ensure every child is raised in a safe and nurturing environment and reaches their full potential. As a first step, the [LNR Kids Facebook Campaign](#) was launched to raise awareness that children learn by example: one of the objectives is to see corporal punishment prohibited in all schools in all countries.

**Viet Nam:** [Plan Viet Nam](#) is campaigning for law reform to prohibit corporal punishment and is working with the Ministry of Education and Training to deliver initial and in-service [positive discipline training](#) to teachers.

**Zanzibar:** Since the technical workshop on law reform in March 2012 (see [previous newsletter](#)), Save the Children reports a number of actions taken through the Ministry of Education and Vocational Training, including the development of a child safeguarding/protection policy which must be signed by teachers and other professionals who come into contact with children; the establishment of a National Committee, including ministers, to ensure the elimination of corporal punishment nationally; training of students, teachers, and other professionals in 20 pilot schools on positive discipline; awareness raising on TV and radio about positive discipline and the impact of corporal punishment; cooperation between religious leaders and the Ministry of Education, and consultation meetings and sensitisation events.

## And ...

**US:** The American Academy of Child and Adolescent Psychiatry updated its [factsheet on Physical Punishment](#) (Facts for Families, No, 105). It explains that while physical punishment – defined as “anything done to cause pain or discomfort in response to your child’s behaviors” – may influence behaviour in the short term, it can have negative long term consequences, including bullying, aggression, behaviour problems, fear of parents, poor self-esteem and thinking that hitting is OK. It presents other options for managing behaviour, including developing a positive, supportive relationship with the child, setting clear limits, and praising children for good behaviour. It encourages parents to seek help if they find it difficult to use these other approaches to discipline.

The United Methodist Church reauthorized the policies originally passed at its General Conference in 2004 against corporal punishment in homes, schools and childcare. *Petition on parents – Resolution 3088 “Discipline Children without Corporal Punishment”* resolves that the UMC adopts and promotes positive, non-violent discipline. *Petition on schools and child care settings calls for law reform – Petition 3087 “Prohibit Corporal Punishment”* states: “It is difficult to imagine Jesus Christ condoning any action intended to hurt children physically or psychologically. Jesus’ teachings on loving our neighbor and living in peace with one another are foundational for opposition to corporal punishment in institutions in ministry with and to children. Corporal punishment sends a message that hitting smaller and weaker people is acceptable. As people of faith who value children and who are committed to non-violent conflict resolution, we are called to identify effective alternatives to corporal punishment that teach children to be self-disciplined rather than to submit out of fear. Schools and child-care centers should inspire children to enjoy learning, and school and child-care personnel should be able to encourage positive behavior without hitting children. Therefore, be it resolved, that The United Methodist Church calls upon all governments and educational institutions to enact laws prohibiting corporal punishment in schools and day and residential child-care facilities.”

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### 3 HUMAN RIGHTS MONITORING

#### Key decisions and recommendations, etc

The **Committee on the Rights of the Child** published its concluding observations on states examined at the 60<sup>th</sup> session (29 May – 15 June). The issue of corporal punishment was raised with all states, with recommendations to prohibit corporal punishment in all settings, including the home, made to Algeria, Australia, Turkey and Viet Nam. The Committee also recommended the repeal of legal defences for the use of corporal punishment, appropriate public education and awareness raising programmes, child participation in the development of preventive strategies, professional training, and research on the issue. The Committee welcomed the achievement of prohibition of all corporal punishment in Greece; to Cyprus – where corporal punishment is unlawful in all settings – the Committee recommended that law reform be completed by formal repeal of the defence in the Children Law. For further information, see the Global Initiative’s individual country reports for Algeria, Australia, Cyprus, Greece, Turkey and Viet Nam.

The concluding observations of the 61<sup>st</sup> session (17 September – 5 October) are available now and include strong recommendations by the Committee to prohibit and eliminate all corporal punishment. Explicit prohibition in the home and other settings was recommended to Andorra, Bosnia and Herzegovina, Liberia and Namibia. To Canada, the Committee expressed “grave concern” at section 43 of the Criminal Code which provides for the use of force “by way of correction” and at the Supreme Court’s 2004 ruling which upheld the law, recommending that section 43 be repealed. The Committee welcomed prohibition in Albania and recommended effective implementation; Austria’s measures to support implementation of prohibition were noted and recommendations made to strengthen and expand them. For further details, see the Global Initiative’s individual country reports for Albania, Andorra, Austria, Bosnia and Herzegovina, Canada, Liberia and Namibia.

Ratification of the **Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure** has begun: it was ratified by Thailand and acceded to by Gabon in September. It has been signed by 34 other states.

The **Human Rights Committee** held its 105<sup>th</sup> session 9-27 July. Corporal punishment was included in the Lists of Issues for Armenia, Lithuania and Maldives. The Committee recommended that corporal punishment of children be prohibited all institutional settings in Lithuania and the Maldives, and that flogging be abolished in the Maldives. For further details see the Global Initiative’s individual country reports for Lithuania and the Maldives.

The **Committee on the Rights of Persons with Disabilities** held its 8<sup>th</sup> session 17-28 September. Corporal punishment was included in the List of Issues for China.

The **African Committee of Experts on the Rights and Welfare of the Child** welcomed and endorsed the Guidelines on Action for Children in the Justice System in Africa, developed at the Global Conference on Child Justice in Kampala, Uganda, in November 2011 (see previous newsletter). The Guidelines state that corporal punishment should not be used and are intended to guide law reform, to achieve full implementation of international juvenile justice standards and to coordinate action in formal and informal justice systems in Africa.

The Report of the High Commissioner for Human Rights on the protection of human rights of juveniles deprived of their liberty (13 August 2012, A/HRC/21/26) sets out the human rights obligation to prohibit corporal punishment, notes that it continues to be lawful and inflicted on children in detention in some states, and calls on states to ensure that children are not subjected to corporal punishment.

A **high level panel discussion on prevention of and responses to violence against children in the juvenile justice system** was co-organised by the UN Office on Drugs and Crime (UNODC), the

Office of the High Commissioner for Human Rights (OHCHR) and the SRSG on Violence against Children with the support of the Governments of Austria and Thailand. The event saw the launch of the Joint Report of OHCHR, UNODC and SRSG on Violence against Children on prevention of and responses to violence against children within the juvenile justice system (27 June 2012, A/HRC/21/25), which notes that corporal punishment has been abolished as a disciplinary measure in penal institutions in most countries but remains lawful in more than 70. It also notes that corporal punishment may lawfully be ordered as a sentence of the courts in many countries, in some for children from the age of puberty. It recommends that states “prohibit all forms of inhuman sentencing against children, including the death penalty, life imprisonment without the possibility of parole, and the use of corporal punishment, such as stoning, flogging, whipping or caning” (para. 78) and, in relation to conditions of detention, “provide for a lawful disciplinary system, in compliance with the principles of positive discipline and restorative justice approaches, which prohibits the use of torture or other cruel, inhuman or degrading treatment or punishment, including the use of isolation or solitary confinement, and the use of restraints or force, except in specified exceptional circumstances” (para. 81).

Submissions for the **OHCHR Study on the right of the child to the enjoyment of the highest attainable standard of health** are available online. Corporal punishment violates children’s right to the highest attainable standard of health both through the direct physical harm it causes and through its damaging short- and long-term effects on children’s physical and mental health. The submission from the Global Initiative draws attention to the strong links between the rights to health and to freedom from all forms of violence and emphasises that realising children’s right to the enjoyment of the highest attainable standard of health is not possible when the law allows them to be hit and hurt in the guise of “discipline”.

The 2013 annual report of the Special Rapporteur on Violence against Women, its Causes and Consequences, is to be devoted to a **Study on State responsibility for eliminating violence against women**. The Global Initiative has submitted a briefing on the links between corporal punishment and other forms of interpersonal violence against women and girls (for further information email [elinor@endcorporalpunishment.org](mailto:elinor@endcorporalpunishment.org)).

The **International NGO Council of Violence against Children** (formerly the NGO Advisory Council for follow-up to the UN Secretary General’s Study on Violence against Children), set up in 2006 to work with NGOs and other partners implementing the recommendations of the UN Study, issued its report *Violating Children’s Rights: Harmful practices based on tradition, culture, religion or superstition*. As confirmed in General Comment No. 13 adopted by the Committee on the Rights of the Child in 2011, corporal punishment sits alongside female genital mutilation, forced marriage, accusations of witchcraft and other specific forms of violence against children as a “harmful practice” (CRC/C/GC/13, para. 29). This new report on the issue, published in October, includes information on corporal punishment and concludes with recommendations aimed at prohibiting and eliminating all such harmful practices.

### **Briefing the human rights bodies**

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 particularly trying to identify “key” NGOs and human rights institutions in each state with whom we can work more closely in briefing the treaty bodies: if you/your organisation is interested, please contact [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org).

Opportunities for briefing treaty bodies arise in relation to the Lists of Issues adopted for each state in advance of examination as well as in submitting information immediately prior to the examination of states by the Committees. The deadlines for submitting briefings relevant to upcoming sessions are set

out below. The Global Initiative is always willing to advise NGOs and human rights institutions on the practical details of how to submit briefings (email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)).

#### *Committee on the Rights of the Child:*

(1) Session 62/63 (14 January to 1 February 2013). States to be examined: Guinea, Guyana, Malta and Niue Islands. Lists of Issues have already been adopted. **Briefings for the examination must be submitted by 14 November 2012.**

(2) Session 62 Pre-sessional Working Group (4-8 February 2013). Lists of Issues will be adopted for China, Kuwait, Luxembourg, Monaco, Sao Tome and Principe, and Tuvalu. **Briefings should be submitted by 4 December 2012.**

#### *Committee Against Torture:*

Session 50 (6-31 May 2013). States to be examined: Bolivia, Estonia, Guatemala, Guinea, Japan, Mauritania, Netherlands, UK and Uzbekistan. Opportunities for influencing the Lists of Issues have passed. **Briefings for the examination should be submitted by 22 April 2013.**

#### *Committee on Economic, Social and Cultural Rights:*

(1) Session 50 (29 April to 17 May 2013). States to be examined: Azerbaijan, Denmark, Iran, Jamaica, Japan, Niger, Rwanda and Togo. Lists of Issues have already been adopted. **Briefings for the examination should be submitted by 15 March 2013.**

(2) Session 51 Pre-sessional Working Group (20-24 May 2013). Lists of Issues will be adopted for Austria, Belarus, Belgium, Bosnia and Herzegovina, China, Djibouti, Egypt, Gabon, Norway and Uzbekistan. **Briefings should be submitted by 1 April 2013.**

#### *Committee on the Elimination of Discrimination against Women:*

(1) Session 54 (February 2013, to be confirmed). States to be examined: Angola, Austria, Cyprus, Greece, Hungary, Pakistan, Solomon Islands and TFYR Macedonia. **The deadline for briefings is still to be confirmed (usually two weeks before the start of the session).**

(2) Session 54 Pre-sessional Working Group (February 2013, to be confirmed). Lists of Issues will be adopted for Andorra, Benin, Cambodia, Colombia, Republic of Moldova, Seychelles, St Vincent and the Grenadines, and Tajikistan. **The deadline for briefings is still to be confirmed (usually one month before the session starts).**

#### *Human Rights Committee:*

(1) Session 107 (11-28 March 2013). States to be examined: Angola, Belize, China-Macao, Paraguay and Peru. Opportunities for influencing the Lists of Issues have passed. **The deadline for submitting briefings for the examination is still to be announced.**

(2) Session 107 Country Report Task Forces will meet during the session. Lists of Issues will be adopted for Bolivia, Burkina Faso, Czech Republic, Indonesia, South Africa, Tajikistan and the US. **The deadline for submitting briefings is still to be announced.**

#### *Committee on the Rights of Persons with Disabilities:*

No information currently available.

### **The Universal Periodic Review**

The obligation to prohibit and eliminate corporal punishment of children continues to be raised with states in the Universal Periodic Review of their overall human rights records. The Global Initiative submits briefings on every state being reviewed, sharing advance draft briefings with relevant

organisations to encourage submissions at national level. We also conduct a follow up programme, pursuing the issue with states that accept recommendations to prohibit corporal punishment by writing to key NGOs, NHRIs and Government ministers, and undertake ongoing analysis of coverage of the issue in all aspects of the UPR process (for further information email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)).

The second cycle of the UPR is now well under way. The working group reports of states examined at **session 13** (May/June 2012) were formally adopted at the 21<sup>st</sup> session of the Human Rights Council in September. The following states accepted recommendations to prohibit corporal punishment: Algeria, Ecuador, India, Morocco, Philippines and South Africa; Indonesia and the UK rejected recommendations to prohibit. **Session 14** is taking place in October/November with the following states being reviewed: Argentina, Benin, Czech Republic, Gabon, Ghana, Guatemala, Japan, Pakistan, Peru, Republic of Korea, Sri Lanka, Switzerland, Ukraine and Zambia.

In addition to advice and information from the Global Initiative, NGOs wishing to use the UPR process in their advocacy work can refer to materials produced by the **Child Rights International Network (CRIN)**, which monitors and promotes advocacy on all children's rights in the UPR, and **UPR-Info**, which liaises with civil society organisations to facilitate their participation in the UPR and monitors and analyses the outcomes. UPR-Info also publishes "mid-term implementation assessments" (MIAs) for each state, collating information from various sources – including the Global Initiative – on states' implementation of the recommendations they accepted. To date, MIAs have been produced for 66 states (i.e. those whose initial UPR took place in session 2 to 6 and whose second UPR will be in sessions 15 to 19), including 33 which received recommendations on corporal punishment (accepted by 21).

Opportunities for submitting briefings for the 15<sup>th</sup> and 16<sup>th</sup> sessions of the UPR, to be held respectively in January/February 2013 and May/June 2013, have now passed. The deadlines for briefing the 17<sup>th</sup> session are:

**4 March 2013** – China, Jordan, Mexico, Mauritius, Nigeria, Saudi Arabia and Senegal

**11 March 2013** – Belize, Central African Republic, Chad, Malaysia, Malta, Monaco and Republic of Congo

Tentative deadlines for future sessions are available [here](#).

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## 4 RESEARCH AND REPORTS

### International and regional reports

**UNICEF** reviewed more than 350 studies on child maltreatment in East Asia and Pacific published between 2000 and 2010. Studies that used probability samples included one in the Philippines which found that 71% of children had experienced harsh verbal "discipline" (being cursed, called names, threatened with abandonment or with ghosts/evil spirits, locked out of the house or threatened with a knife or gun), 56% harsh physical "discipline" (being hit with an object, kicked, choked, smothered, burned, beaten and shaken when aged under 2), and one in China in which 57.5% of parents reported using corporal punishment. Of studies using convenience samples, one in Malaysia found that 40% of parents reported using "moderate" physical discipline and 8% "severe" physical discipline and another, comparative, study found that 62.7% of students in Hong Kong, 65.6% in Singapore and 58.8% in the Republic of Korea reported experiencing corporal punishment before the age of 12; 62% of parents in the Republic of Korea and 51.1% in China reported being physically punished by teachers, ranging from hitting, kicking, punching and slapping children to "non-contact corporal

punishment” such as forcing children to run, stand, kneel down, not eat or suffer the cold in the winter. In a study in China, 53% of students experienced non-contact corporal punishment at least once before the age of 16. (UNICEF East Asia and Pacific Regional Office (2012), *Child Maltreatment: Prevalence, Incidence and Consequences: A Systematic Review of Research*, Bangkok: UNICEF)

A 2012 meta-analysis of 17 studies, funded by the World Health Organisation Department of Violence and Injury Prevention and Disability, looked at data from over 18,000 children and found that children with disabilities were 3.6 times more likely to be victims of physical violence, including “spanking”, than children without disabilities. (Jones, L. et al (2012), “Prevalence and risk of violence against children with disabilities: a systematic review and meta-analysis of observational studies”, *The Lancet*, 380(9845), 899-907)

**Penal Reform International** published a report on provisions for children in police and pre-trial detention, including the legality and practice of corporal punishment in this context. *A review of law and policy to prevent and remedy violence against children in police and pre-trial detention in eight countries* includes country reports on Bangladesh, Georgia, Jordan, Kazakhstan, Pakistan, Russian Federation, Tanzania and Uganda.

The **African Child Policy Forum** and **Defence for Children International** published a joint report *Achieving Friendly Justice in Africa* (in [English](#) and [French](#)). The report notes the legality of corporal punishment as a sentence in Botswana and Zimbabwe, and cites national high level court rulings against corporal punishment in South Africa, Zambia and in Namibia. It concludes that outlawing corporal punishment as a sentence is a “basic concept” of child friendly justice and is required under international human rights law. It notes the prohibition of judicial corporal punishment in Lesotho, Kenya, Uganda, Tunisia, Angola, Chad, Mozambique and South Sudan.

## National research and reports

**Afghanistan:** According to statistics collected under round 4 of the UNICEF Multiple Indicator Cluster Survey programme (MICS4), in 2010-2011, 74.4% of children aged 2-14 experienced violent “discipline” (physical punishment and/or psychological aggression): 68.4% experienced physical punishment, 38.4% severe physical punishment (being hit or slapped on the face, head or ears or being hit over and over with an implement). (Central Statistics Organisation & UNICEF (2012), *Afghanistan Multiple Indicator Cluster Survey 2010-2011: Final Report*, Kabul: Central Statistics Organisation & UNICEF)

**Ecuador:** A 2012 study by the Observatorio de los Derechos de la Niñez y la Adolescencia, UNICEF, Plan International and other NGOs found that 44% of children were punished by being beaten in the home, compared with 40% in a similar study in 2000. The reasons for punishment included not obeying the rules (47%), poor grades (14%), not doing housework (12%) and being late (8%). (Reported in *La Hora*, 30 May 2012)

**Ireland:** In a 2012 survey of nearly 800 adults in Ireland, 49% thought it acceptable to slap a child in some circumstances; 49% said they had done so. (Reported in *IrishCentral*, 31 July 2012)

**New Zealand:** The New Zealand Police published their 10<sup>th</sup> report on implementation of the 2007 prohibition of corporal punishment, covering the period June to December 2011. The findings are consistent with previous reviews. Police attended 500 child assault events, including 23 “smacking” (a slap with an open hand on buttocks or legs that does not result in injury), 45 “minor acts of physical discipline” (a slap with an open hand on any other part of the body that does not result in injury) and 344 “other child assaults” (assault which results in injury). The majority of smacking cases resulted in referral to other agencies.



**Republic of Korea:** Research published in the Journal of the Korea Institute of Criminology found that of almost 500 students surveyed, 94.6% said they had experienced corporal punishment. Of those who had experienced it in the past year, 122 had been shouted at, 88 spanked, 77 struck on the cheek and 6.2% punched. Presenting the findings, Professor Park Cheol-hyeon observed that corporal punishment more often resulted in rebelliousness than in improved behaviour, particularly when the punishment is perceived as excessive or improper. (Reported in *asiancorrespondent.com*, 18 July 2012)

**Sri Lanka:** A survey of 177 parents found that 76.3% had used corporal punishment in the past month: 52.6% had shaken their child, 51.1% spanked their child on the bottom with a bare hand and 61.5% hit their child on the bottom with a hard object such as a cane or stick. (de Zoysa, P. (2012), *A Survey on Parental Disciplinary Practices and an Awareness Program to Eliminate Corporal Punishment and Other Forms of Negative Parental Practices*, Colombo, Sri Lanka: Child Protection in Crisis, Institute for Participatory Interaction in Development & Save the Children; email [ptdz@sltnet.lk](mailto:ptdz@sltnet.lk))

**Uganda:** In a survey involving 3,200 children in eight districts in northern Uganda, 79% said they felt unsafe or scared due to beatings at school, 90% due to beatings at home. (WarChild UK, 2012, *Child Safety Report Card: 2012 Regional Report*)

**US:** A study in which researchers anonymously observed 106 discipline interactions between children ages 3-5 and their caregivers in public places found that in 23% the children were physically punished, e.g. by having their arms pulled, being pinched, slapped or spanked. (Reported in *All Michigan*, 5 August 2012)

#### And ...

Examination of data from the National Survey of Midlife Development in the US found that frequent abuse by a parent can increase the child's risk of cancer in adulthood. Abuse was defined as including constant belittling, shaming and humiliating a child, exposure to violence or abuse of others (emotional); severe disciplining, such as corporal punishment (physical); and failing to provide for a child's basic needs - adequate food, clothing, hygiene, or supervision (neglect). (Morton, P. M. et al (2012), "Does Childhood Misfortune Increase Cancer Risk in Adulthood?", *Journal of Aging and Health*, 24(6), 948-984)

A nationally representative study in the US found that people who had experienced physical punishment, but not more severe forms of violence, as children were more likely to experience mental health problems including major depression, mania, anxiety disorders, alcohol and drug abuse and personality disorders. (Afifi, T. O. et al (2012), "Physical Punishment and Mental Disorders: Results From a Nationally Representative US Sample", *Pediatrics*, 2 July 2012)

A study involving 89 9-12-year olds found that high levels of corporal punishment together with high levels of supportive communication between parents and children were associated with the highest levels of depressive symptoms. All physical punishment increases the risk of depression, but that inflicted in the context of otherwise positive parent-child communication carries a higher risk of poor mental health for the child than when inflicted in the context of parenting characterised by poor communication. Researchers suggested that this may result from the lack of consistency in the first scenario, where the parent is both the cause and the comfort of the child's stress. (Wimsatt, A. R. et al (2012), "Positive communication moderates the relationship between corporal punishment and child depressive symptoms", *Child and Adolescent Mental Health*, 3 September 2012)

A short history of corporal punishment from early civilizations to modernity notes the complexity of the issue as well as trends in penal corporal punishment from intentional maiming to infliction of temporary pain and from the public to the private domain. It describes the place of corporal

punishment in religious traditions (Judaism, Islam and Christianity) and the links between corporal punishment in the penal system and others settings, including the home. (Geltner, G. (2012), “[History of Corporal Punishment](#)”, to be published in Weisburd, D. & Bruinsma, G. (eds) (forthcoming, 2012), *Encyclopedia of Criminology and Criminal Justice* (New York: Springer-Verlag)

A new book *La Violence éducative : un trou noir dans les sciences humaines* (*Educational violence: a black hole in the human sciences*), by Olivier Maurel, looks at recently published books on violence, the vast majority of which did not examine “educational violence” against children. Maurel’s book aims to show the negatives consequences of this violence for the human sciences, including psychoanalysis, psychology and sociology: its acceptance among scientists and scholars as “normal” prevents them from studying all violence objectively.

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## 5 CAN YOU HELP?

### Promoting positive, non-violent discipline

We are still collecting resources for promoting positive discipline in homes, schools and other settings – especially those developed as part of a comprehensive campaign for law reform – to list on our website. If you can help please email [elinor@endcorporalpunishment.org](mailto:elinor@endcorporalpunishment.org).

### Research on corporal punishment of children

Evidence of the nature and prevalence of corporal punishment gathered through national studies helps to keep the issue visible and provides a baseline against which the effectiveness of prohibition and associated awareness raising can be measured. Please let us know of any new or planned research (email [elinor@endcorporalpunishment.org](mailto:elinor@endcorporalpunishment.org)).

### Other ways to help ...

We would also appreciate your help by

- joining our list of volunteer translators
- sending us information on relevant legislation
- letting us know about current opportunities for promoting prohibition (new laws being drafted, bills being discussed, etc)
- sending us contact details for organisations campaigning to prohibit and eliminate corporal punishment of children.

If you can help with any of the above, email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org).

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We hope you find this newsletter informative and useful and welcome your comments: email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org). The newsletter is sent to supporters of the aims of the Global Initiative and others who we think will be interested. If you do not want to receive future editions, contact [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org). If your organisation has not done so already, please consider signing up to support the aims of the Initiative (online at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org) or

email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)). To receive the latest developments between newsletters, sign up to RSS feeds at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org).

*“Our hands should be used to protect children, not hit them”*

(First Lady of Peru, Ms Nadine Heredia, speaking at the Expert Consultation on Prevention of and Response to Violence against Children in early Childhood, 27-28 August, Lima, Peru)