

Global Initiative to End All Corporal Punishment of Children

Newsletter 27 (June 2014)



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of Children

Contents

Major developments: [Malta](#) achieves prohibition; [Brazil](#) approves law which would prohibit; high-level Swedish Government [conference](#) promotes progress; new Global Initiative [resources](#) support promotion of law reform.

Other news: Progress towards and advocacy for prohibition and elimination of corporal punishment in [South Asia](#), [Estonia](#), [France](#), [Lithuania](#), [Pakistan](#), [South Africa](#), [Trinidad & Tobago](#), the [UK](#) and the [USA](#); backward steps and lack of progress in [Brunei Darussalam](#), [Guyana](#), [India](#), [Malaysia](#), [Maldives](#), [South Africa](#) and the [USA](#).

Resources for advocacy: New regional reports for [Asia-Pacific](#) and [Europe](#); new research shows [impact](#) of prohibition; research on the [effects](#) of corporal punishment; [news](#) from the UN human rights system; latest briefing [deadlines](#).

Major developments

Malta achieves prohibition

An amendment to the Criminal Code enacted in February 2014 means that the infliction of any kind of corporal punishment is a criminal offence. The Code had previously allowed the use of “moderate” corporal punishment. The number of states worldwide to have achieved full prohibition is now 37, including 25 in Europe. For further information, see the [states prohibiting](#) page of the Global Initiative website, and the detailed country report on [Malta](#).

Brazil approves law which would prohibit all corporal punishment

A bill which would prohibit corporal punishment has passed through both houses of the National Congress of Brazil and will become law when it is signed by the President. Brazil (child population 59,000,000) will be the first very large state to achieve prohibition. [Rede Não bata Eduque](#) has long worked for prohibition.

Major high-level conference

On 3-4 June 2014, the Swedish Government hosted a high-level conference to celebrate the 25th anniversary of the adoption of the Convention on the Rights of the Child and the 35th anniversary of Sweden’s pioneering ban on all corporal punishment of children. The explicit purpose was to place the issue of a legal ban on all corporal punishment on the international political agenda and to encourage states to work together to accelerate reform. Austria has agreed to host a similar international conference in two years’ time.

The Global Initiative prepared a special report for the conference, *Childhood free from corporal punishment – changing law and practice*. Packed with facts and figures on reform in all regions, the report is a celebration of progress to date and a call to action for all states to complete the process of law reform. It includes a new checklist of actions that can be taken by states collaboratively to work towards universal prohibition of violent punishment of children. The full report is available [here](#). A limited number of hard copies is available, email info@endcorporalpunishment.org.

The Federal Minister of Justice, Dr Wolfgang Brandstetter, in a message in the report (page 2) writes about “the long and rocky path that needs to be followed by political decision-makers and other groups of society in order to arrive at a state of affairs where not only the concept for a new culture of a violence-free upbringing of children is fostered but where a life without violence becomes standard in the daily lives of children throughout Europe and the world”.

New Global Initiative resources to support the promotion of law reform

Prohibiting all corporal punishment of children: learning from states which have achieved law reform, is the Global Initiative’s new short guide to what can be learned from states which have achieved prohibition in all settings, including the home, with a particular emphasis on the drafting of prohibiting legislation. The guide, published in May 2014 and available [here](#), is intended to support all those engaged in promoting and carrying out law reform to prohibit all corporal punishment.

As a contribution to the theme of the Day of the African Child on 16 June 2014, “A child friendly, quality, free and compulsory education for all children in Africa”, the Global Initiative has produced a briefing aimed at organisations working for children’s right to education in Africa. The briefing, which highlights that prohibiting corporal punishment in schools is essential for children’s right to education, is available in [English](#) and [French](#).

[Back to contents](#)

Other news

The good news: moves towards and advocacy for prohibition and elimination of corporal punishment...

South Asia: The South Asian Initiative to End Violence Against Children (SAIEVAC) hosted an expert meeting in Kathmandu in May to review the legislative reforms needed to achieve complete prohibition in the eight South Asian states, as part of the regional campaign to prohibit and eliminate corporal punishment launched in Sri Lanka in 2012.

Estonia: Legislation including explicit prohibition of corporal punishment has been agreed by the Government and will now proceed through the Parliament.

France: In May 2014, a draft amendment to the Civil Code which would have prohibited all corporal punishment by persons with parental authority was discussed in Parliament. Further discussion was deferred to a later date. The Observatoire de la Violence Educative Ordinaire ([OVEO](#)) has long worked for prohibition.

Lithuania: Deputy Minister Algildas Seselgis of the Ministry of Social Security and Labour told the high-level conference in Stockholm (see above) that Lithuania hoped to adopt a complete ban within a year.

Pakistan: In March 2014, the Ministry of Law, Justice and Human Rights announced the launch of a national campaign against corporal punishment of children, in collaboration with SAIEVAC and the South Asia Coordinating Group on Action against Violence against Children (SACG), and reaffirmed its commitment to prohibition in all settings. A Prohibition of Corporal Punishment Bill 2014, which would prohibit in all settings except the family home, was laid before the National Assembly in March 2014.

South Africa: In a media statement made during Child Protection Week (1-8 June 2014), the Minister of Social Development Ms Bathabile Dlamini reaffirmed the Government's commitment to prohibition of corporal punishment in all settings of children's lives. (National Department of Social Development, 3 June 2014)

Trinidad & Tobago: In April 2014, the Prime Minister reportedly stated that the State should take a more active role in protecting children at home and that legislation against parents assaulting their children could be considered (*Trinidad and Tobago Newsday*, 24 April 2014). The Children Act 2012 would prohibit corporal punishment in all settings except the family home but has not yet been brought into force. The Caribbean Coalition for the Abolition of Corporal Punishment of Children ([CCACPC](#)) promotes prohibition across the region.

UK, Scotland: In May 2014, NGOs called for prohibition of all physical punishment, in the context of Staffan Janson, a Swedish researcher, speaking about the prohibition in Sweden. (The Daily Record, 13 May 2014)

USA: A bill which would prohibit corporal punishment in public and private schools in Missouri is under [discussion](#), after 10-11 year old students at a school in Missouri approached Senator Joseph Keaveny about the issue and worked with him to propose the bill. (*St Louis Review*, 23 April 2014).

[Back to contents](#)

The bad news: backward steps and lack of progress...

Brunei Darussalam: The Sharia Penal Code 2013 began to come into force in April 2014. The Code allows for sentences of whipping, amputation and stoning, including for children, and provides a legal defence for corporal punishment by parents and others.

Guyana: In June 2014, the Education Bill 2014 was tabled in the National Assembly. The bill does not prohibit corporal punishment. Corporal punishment is not mentioned in guidelines on discipline, but the bill allows for the Minister to make regulations in relation to corporal punishment.

India: In a 2014 survey of 6-14 year olds in Delhi, 49.33% of the children involved said that teachers in their schools used corporal punishment. The survey was carried out by the NGO Joint Operation for Social Help (JOSH). (Reported in *The Hindu*, 30 March 2014)

Malaysia: In April 2014, it was reported that Bills which would allow Islamic (*hudud*) punishments, including corporal punishment, at state level are under discussion in Kelantan and Kota Baru. NGOs have [called](#) for prohibition of all corporal punishment, in the context of widespread media attention to the case of two Malaysians in Sweden, who were found guilty of gross violation of integrity after beating and inflicting other violence on their four children. (*The Star Online*, 29 March 2014 and 10 April 2014)

Maldives: In April 2014, a new Penal Code was adopted. We have yet to see the full final text, but a draft of the Code authorised sentences of lashes and amputation and provided a legal defence for

corporal punishment of children in all settings. The Code is expected to come into force in April 2015.

South Africa: A 2014 [study](#) highlights that many children continue to experience corporal punishment in schools despite the 1996 prohibition of school corporal punishment. The study recommends increased efforts to change teachers' attitudes to corporal punishment, stronger legal enforcement of the prohibition and increased use of legalistic strategies to improve enforcement of the ban. (Veriava, F. (2014), *Promoting effective enforcement of the prohibition against corporal punishment in South African schools*, Pretoria University Law Press)

USA: A study which recorded audio of 33 mothers interacting with their 2-5 year old children found that corporal punishment was frequently used and the rate far exceeded previous findings. For example, the median rate of spanking in the sample was 18 times per week. In 73% of cases, children repeated the behaviours for which they had been punished within 10 minutes of being hit. (Holden, G. W. et al (2014), "Eavesdropping on the Family: A Pilot Investigation of Corporal Punishment in the Home", *Journal of Family Psychology*, published online 14 April 2014)

[Back to contents](#)

Resources for advocacy

New research and reports

Regional reports

A report on school-related gender-based violence in the **Asia-Pacific** region highlights that corporal punishment is the most widely reported form of school-related gender-based violence in the region and notes that it remains lawful in schools in many states. (UNESCO Bangkok Office & UN Girls' Education Initiative (2014), *School-Related Gender-Based Violence in the Asia-Pacific Region*, Bangkok: UNESCO)

A report on preventing intentional injury of children in the **European Union** noted that 11 countries had yet to prohibit all corporal punishment in the home and some had yet to prohibit in alternative care and institutional settings. (MacKay, M. & Vincenten, J. (2014), *National Action to Address Child Intentional Injury - 2014: Europe Summary*, Birmingham: European Child Safety Alliance)

[Back to contents](#)

Research showing the impact of prohibition

Finland: A study carried out in 2011 and published in 2014, which involved a survey of a representative sample of 4,609 15-80 year olds from Western Finland, found that the proportion of people who were slapped and beaten with an object during childhood decreased after corporal punishment was prohibited in 1983. (Österman, K. et al (2014) "Twenty-Eight Years After the Complete Ban on the Physical Punishment of Children in Finland: Trends and Psychosocial Concomitants", *Aggressive Behaviour*, 9999, 1-14)

Poland: A new study shows a decline in acceptance of corporal punishment since prohibition in 2010: in a 2013 survey, involving 1,000 adults, 60% of respondents agreed that "there are situations when a child needs to be smacked", compared to 68% in 2012, 69% in 2011 and 78% in 2008. (Ombudsman for Children (2013), Annual Report of the Ombudsman for Children of the Republic of Poland for 2013, Warsaw: Office of the Ombudsman for Children)

Romania: A study published in 2014 found that fewer children reported experiencing corporal punishment from their parents in 2012 than in a similar study carried out in 2001. In 2001, 84% of children said that their parents hit them with a hand without leaving a mark; by 2012, this had fallen to 62%. Prohibition was achieved in 2004. (Save the Children Romania, (2014), *Child Neglect and Abuse: National Sociologic Study (English summary)*, Save the Children & Child Protection Department, Ministry of Labour, Family, Social Protection and Elderly)

[Back to contents](#)

New research on the impact of corporal punishment

A Canadian study which used data from more than 23,000 adults collected in 2012 found that experiencing corporal punishment before the age of 16 was associated with mental disorders (including depression, bipolar disorder, anxiety disorder, alcohol abuse/dependence, drug abuse/dependence, phobias and eating disorders) and thinking about or attempting suicide. (Afifi, T. O. (2014), "Child abuse and mental disorders in Canada", *Canadian Medical Association Journal*, published online 22 April 2014)

A 2014 study, which used data from 1,874 children in the USA collected when the children were aged 1, 3, 5 and 9, found that there was a reciprocal relationship between children's aggressive behaviour and being "spanked" by their mothers. Children who were "spanked" were more likely to behave aggressively and break rules 2-4 years later, and in turn, these children were then more likely to be spanked, creating a "vicious cycle". (MacKenzie, M. J. et al (2014), "Spanking and Children's Externalizing Behavior Across the First Decade of Life: Evidence for Transactional Processes", *Journal of Youth and Adolescence*, published online 25 March 2014)

[Back to contents](#)

News from the UN human rights system

Treaty bodies

The **Committee Against Torture** held its 52nd session in April/May 2014. Recommendations to prohibit corporal punishment in all settings were made to Lithuania, Montenegro and Sierra Leone.

The **Committee on Economic, Social and Cultural Rights** has published its concluding observations on states examined at its 52nd session in April/May 2014. Recommendations to prohibit corporal punishment in all settings were made to Armenia, Lithuania and Uzbekistan.

The **UN Human Rights Committee** held its 110th session in March 2014. Recommendations to prohibit and eliminate all corporal punishment of children were made to Chad, Kyrgyzstan, Nepal, Sierra Leone and USA.

The [Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure](#) came into force on 14 April 2014, making it possible for children in the states which have ratified it (currently Albania, Bolivia, Costa Rica, Gabon, Germany, Montenegro, Portugal, Slovakia, Spain and Thailand) to bring complaints about violations of their rights to the Committee on the Rights of the Child. The Global Initiative has produced a guide ([PDF/Word](#)) to using this and other international communications and inquiry procedures to challenge corporal punishment of children.

[Back to contents](#)

Universal Periodic Review outcomes

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).

States that were reviewed in the **17th session** of the Universal Periodic Review, held in Oct/Nov 2013, responded formally to recommendations on corporal punishment during the 25th session of the Human Rights Council, 3-28 March 2014. Belize noted the recommendation to prohibit all forms of corporal punishment, including at home, explaining that recommendations which were noted are regarded as requiring further national consultation or have other implications which require further consideration and that these recommendations will be kept under review. Chad stated that corporal punishment in public institutions is prohibited in law but rejected the recommendation to prohibit it in all settings. Malaysia rejected recommendations to prohibit corporal punishment in all settings and defended corporal punishment as “a valid and legal form of punishment”. Malta accepted the recommendation to prohibit corporal punishment, confirming that its recent reform of the Criminal Code meant that all corporal punishment is now unlawful and references to “reasonable chastisement” are no longer acceptable. Mauritius responded to a recommendation to adopt legislation that explicitly prohibits corporal punishment by confirming that corporal punishment is prohibited in schools and that the Children’s Bill currently under discussion will prohibit all corporal punishment. Saudi Arabia rejected recommendations to prohibit corporal punishment as a sentence of the courts. Senegal accepted a recommendation to “fight against corporal punishment in all places”. No recommendations on corporal punishment had been made to Central African Republic, China, Jordan, Mexico, Monaco and Nigeria, but Governments in these states accepted general recommendations to strengthen efforts to protect children’s rights and/or to harmonise domestic legislation with international human rights standards. The review also included the Republic of Congo, where prohibition of corporal punishment in all settings was achieved in 2010, and Israel, where prohibition was achieved in 2000.

The **19th session** was held in Apr/May 2014. Eight of the states reviewed received recommendations on corporal punishment: Albania, Bhutan, Brunei Darussalam, Dominica, DPR Korea, Equatorial Guinea, Ethiopia and Nicaragua. The recommendations were accepted by Equatorial Guinea, Ethiopia and Nicaragua; responses from all states are due by September 2014.

[Back to contents](#)

Other developments

The **Model Strategies on the Elimination of Violence against Children in Crime Prevention and Criminal Justice** were adopted at the May 2014 session of the UNODC Commission on Crime Prevention and Criminal Justice. The [Model Strategies](#) urge states to prohibit corporal punishment in penal institutions and as a sentence for crime. A resolution to adopt the Model Strategies will be presented to the next session of the UN General Assembly, which starts in September 2014. (Commission on Crime Prevention and Criminal Justice (2014), *UN Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice* (E/CN.15/2014/L.12/Rev.1))

[Back to contents](#)

Submitting information to the UN human rights system

Treaty 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.

The following deadlines for briefing the treaty bodies are based on information available at the time of writing: please note that information is subject to change at short notice. We are always willing to advise NGOs and human rights institutions on the practical details of how to submit briefings (email info@endcorporalpunishment.org).

Committee on the Rights of the Child:

(1) Session 69 Pre-Sessional Working Group (22-24 Sep 2014). The PSWG will adopt Lists of Issues for Ethiopia, Ghana, Mexico, Nepal and Netherlands: **the deadline for submitting briefings is 1 July 2014.**

(2) Session 70 Pre-Sessional Working Group (2-6 Feb 2015). The PSWG will adopt Lists of Issues for Bangladesh, Brazil, Central African Republic, Chile, Eritrea, France, Kazakhstan, Poland and United Arab Emirates: **the deadline for submitting briefings is 1 November 2014.**

Committee Against Torture:

(1) Session 53 (3-28 Nov 2014). The Committee will examine Australia, Burundi, Croatia, Kazakhstan, Serbia, Sweden, Ukraine, USA and Venezuela: **the deadline for submitting briefings is 17 October 2014.**

(2) Session 53 Pre-Sessional Working Group (3-28 Nov 2014). The PSWG will adopt Lists of Issues Prior to Reporting for Armenia, Gabon, Qatar, Senegal and Togo: **the deadline for submitting briefings is 22 August 2014.**

Committee on Economic, Social and Cultural Rights:

(1) Session 53 (10-28 Nov 2014). The Committee will examine Finland, Guatemala, Montenegro, Nepal, Portugal, Romania, Slovenia and Viet Nam: **the deadline for submitting briefings is 29 September 2014.**

(2) Session 54 Pre-Sessional Working Group (1-5 Dec 2014). The PSWG will adopt Lists of Issues for Chile, Ireland, Kyrgyzstan, Mongolia, Sudan, Thailand, Uganda, Venezuela and Yemen: **the deadline for submitting briefings is 1 October 2014.**

Committee on the Elimination of Discrimination against Women:

(1) Session 59 (20 Oct – 7 Nov 2014). The Committee will examine Belgium, Brunei Darussalam, China (incl Hong Kong and Macau), Ghana, Guinea, Poland, Solomon Islands and Venezuela: **briefings should be submitted by 2 weeks before the session (exact date to be confirmed).**

(2) Session 61 Pre-Sessional Working Group (10-14 Nov 2014). The PSWG will adopt Lists of Issues

for Bolivia, Croatia, Gambia, Namibia, Senegal, Spain, St Vincent and the Grenadines and Viet Nam: **briefings should be submitted by 2 weeks before the session (exact date to be confirmed).**

Human Rights Committee:

(1) Session 112 (7-31 Oct 2014). The Committee will examine Burundi, Haiti, Israel, Malta, Montenegro and Sri Lanka: **the deadline for submitting briefings is 12 September 2014.**

(2) Session 112 Country Report Task Forces (7-31 Oct 2014). The CRTF will adopt Lists of Issues for Canada, Spain, TFYR Macedonia, UK, Uzbekistan and Venezuela, and the List of Issues Prior to Reporting for Switzerland: **the deadline for submitting briefings is 25 July 2014 for e-copies and 12 September 2014 for hard copies.**

Committee on the Rights of Persons with Disabilities:

(1) Session 2 Pre-Sessional Working Group (6-10 Oct 2014). The Committee will adopt the List of Issues for Croatia, Czech Republic, Dominican Republic, Turkmenistan and UK: **the deadline for submitting briefings is 2 months before the session (exact date to be confirmed).**

The Universal Periodic Review

The deadline for submitting briefings for the 22nd session (Apr/May 2015) is **15 September 2014:** Andorra, Belarus, Bulgaria, Croatia, Honduras, Jamaica, Liberia, Libyan Arab Jamahiriya, Malawi, Maldives, Marshall Islands, Mongolia, Panama, USA.

[Back to contents](#)

This newsletter is sent to supporters of the aims of the Global Initiative and others who we think will be interested. The Global Initiative welcomes comments on the newsletter and information on any aspect of law reform to prohibit corporal punishment. To send comments or information or to unsubscribe from the newsletter, email info@endcorporalpunishment.org.

“A civil society perceptive to children and a state that supports and helps parents and defends children's rights in law are preconditions for carrying on the never-ending task of protecting the right of all children to a childhood free from violence.... I hope that you get inspiration for your future work to move the legislative processes forward, in your respective home countries or – if you already have the legislation in place – work with attitudes and compliance. I believe – and hope – that we, when looking back in a couple of years' time, will see this conference as an event that really was instrumental in moving forward the issue of ending corporal punishment of children globally.”

Queen Silvia of Sweden at the opening the high-level conference hosted by Sweden's Ministry of Health and Social Affairs in Stockholm, June 2014