

Newsletter 31 June 2015



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

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Welcome to the quarterly e-newsletter from the Global Initiative to End All Corporal Punishment of Children. This newsletter is sent to supporters of the aims of the Global Initiative and others who we think will be interested. We hope you find this update useful; please share it and if you have any comments, contributions or feedback, email us at info@endcorporalpunishment.org.

Global news and developments

Four European states must prohibit all corporal punishment to comply with human rights ruling

In decisions released on 27 and 29 May, the European Committee of Social Rights found **Ireland, Slovenia, Belgium** and the **Czech Republic** in violation of article

17(1) of the Revised European Social Charter due to the lack of express and comprehensive prohibition of all forms of corporal punishment of children in their legislation. The decisions all note that "there is now a wide consensus at both the European and international level among human rights bodies that the corporal punishment of children should be expressly and comprehensively prohibited in law".

The decisions also recall the Committee's consistent interpretation of the Charter regarding corporal punishment of children, laid down most recently in its 2006 decision on a complaint against Portugal, that to comply with Article 17, states' domestic law must prohibit all forms of violence against children and that the relevant provisions must be sufficiently clear, binding and precise to preclude the courts from refusing to apply them to violence against children.

In response to the decision, Irish Minister for Children, James Reilly, has pledged to explicitly prohibit all corporal punishment of children in foster or residential care and announced plans to review the common law defence of "reasonable chastisement". Read more on the Government's response [here](#).

Read more on the legality of corporal punishment in [Ireland](#), [Slovenia](#), [Belgium](#) and the [Czech Republic](#), or see full details of the complaints and decisions on the [Council of Europe website](#).

Pacific group renews regional commitment to end violence against children

UNICEF Pacific hosted the Ending Violence Against Children (EVAC) Conference in Nadi, Fiji, from 18-20 May 2015, where delegates from 15 Pacific Island countries renewed their commitment to ending all forms of violence against children in the region. In his opening address President of Fiji, Ratu Epeli Nailatikau, stated: "Only 10% of children in the Pacific are fully protected by law from corporal punishment. In most Pacific countries where baseline data exist, more than 70 percent of adults admit using violent punishment on children at home." The President said: "...if we are serious about protecting our most vulnerable ... then this must be a priority. Anything else is just an excuse." In this context, the Global Initiative launched its updated briefing, [Progress towards prohibiting all corporal punishment of children in Pacific countries](#) (see below).

Sweden's ban on corporal punishment nominated for Future Policy Award

Sweden's 1979 Children and Parent Code prohibiting all corporal punishment and other humiliating treatment of children is among the 29 laws and policies nominated for the Future Policy Award 2015. The awards aim to highlight laws and policies from all over the world that contribute to protecting and strengthening children's rights. The full list of nominated policies is available on the [World Future Council website](#).

WHO considers the role of health systems in addressing interpersonal violence

The World Health Organisation is in the process of drafting a global plan of action to strengthen the role of the health system within a national multi-sectoral response to address interpersonal violence, in particular against women and girls, and against children. The Global Initiative submitted a [response to the first discussion paper](#) and attended a consultation with non-State actors in Geneva in June 2015, highlighting the obligation on states to prohibit corporal punishment of children in all settings including the home. Read more on the process [here](#).

Progress towards prohibition

Nicaragua: Full prohibition has come into force – the new Family Code 2014, approved by the National Assembly of Nicaragua and published in the Official Gazette in 2014, came into force on 8 April 2015. Article 280 prohibits under any circumstances “physical punishment or any type of humiliating treatment as a form of correction or discipline” by parents and all persons legally responsible for a child.

Papua New Guinea: Corporal punishment in the penal system is explicitly prohibited in the Juvenile Justice Act 2014.

Trinidad and Tobago: In May 2015, the Children Act 2012, which prohibits corporal punishment of children in all settings except the family home, was brought into force. The proclamation of the Act makes Trinidad and Tobago the second Caribbean state to prohibit corporal punishment in schools and all alternative care and day care settings.

Positive steps

Barbados: The Prisons (Amendment) Act 2015 repeals provisions authorising corporal punishment in the Prisons Act 1964. However, in order to achieve prohibition in all penal institutions, the Reformatory and Industrial Schools Act 1926 must also be amended.

Dominican Republic: On 30 April 2015, the National Roadmap for the Prevention and Elimination of Violence against Children was officially launched at an event held in the Ministry of Foreign Affairs, attended by the Minister of the Presidency, the President of the National Council for Children, Special Representative to the UN Secretary General on Violence Against Children and various ministers, international organisations, diplomats and civil society organisations. The National Roadmap includes as a specific objective a commitment to review national legislation in order to fully prohibit corporal punishment, including in the home.

Lithuania: The Government has approved a new law which, if passed, would prohibit all corporal punishment of children; this must now go through Parliament.

USA: On 12 May 2015, the Ending Corporal Punishment in Schools Bill 2015 (H. R. 2268) was sent to the Committee stage. If enacted, it would prohibit all corporal punishment, defined in section 12 as “paddling, spanking, or other forms of physical punishment, however light, imposed upon a student”.

Backwards steps

Singapore: On 4 March 2015, the Court of Appeal dismissed a challenge against the legality of caning as a sentence for crime, ruling that judicial caning is not unconstitutional. Chief Justice Sundaresh Menon, delivering the court’s decision, stated that the common law prohibition on torture does not cover the treatment of criminals after they are found guilty of a crime, and that, in any case, Parliament’s decision to mandate caning for certain crimes overrides any enactment of the prohibition. The lawyer that brought the case, M. Ravi (now suspended from practice), said in his capacity as a human rights activist that the ruling has “put [Singapore] back to the Middle Ages”.

Solomon Islands: A new draft Federal Constitution, endorsed by the 4th Joint Plenary of Constitutional Congress and Eminent Persons Advisory Council (EPAC) in 2014, expressly provides for “reasonable chastisement” of children “for the protection and maintenance of family, village or communal peace” (article 32 on protection from inhuman treatment). This provision, which was not included in the previous draft, would enshrine a legal defence for corporal punishment at the constitutional level.

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Advocacy resources

New resources from the Global Initiative

[*Towards non-violent schools: prohibiting all corporal punishment. Global Report 2015*](#): This new report by the Global Initiative and Save the Children, launched at the 6th World Congress on School Violence and Public Policies in Lima, Peru in May, charts progress towards prohibition of corporal punishment in schools and identifies the states where progress is not being made. Crucially, it identifies

immediate opportunities for law reform in at least 46 of the 73 states where prohibition has not yet been fully achieved in schools. This important advocacy tool is available in [English](#) and [Spanish](#); a limited number of hard copies is available for advocacy purposes, email info@endcorporalpunishment.org.

[Progress towards prohibiting all corporal punishment of children in EU member states](#): This new briefing by the Global Initiative and Save the Children, launched at the 9th European Forum on the Rights of the Child in Brussels in June, graphically illustrates the progress made to date and sets out what needs to be done in the nine EU member states where prohibition has not yet been achieved, identifying immediate opportunities for drafting and introducing prohibiting legislation in these states. A limited number of hard copies is available for advocacy purposes, email info@endcorporalpunishment.org.

[Progress towards prohibiting all corporal punishment of children in Latin America](#): This updated briefing from the Global Initiative, UNICEF and Save the Children, graphically illustrates the remarkable progress made to date in Latin America. Designed for advocacy use, the briefing sets out what needs to be done in those states that have yet to achieve law reform and identifies immediate opportunities for drafting and introducing prohibiting legislation. It is available in [English](#) and [Spanish](#); a limited number of hard copies is available for advocacy purposes, email info@endcorporalpunishment.org.

[Progress towards prohibiting all corporal punishment of children in Pacific countries](#): This new briefing from the Global Initiative and UNICEF, launched at the Pacific Islands Countries Conference on Violence against Children in Fiji in May, charts progress made to date towards prohibition in the 16 member states of the Pacific Islands Forum and the law reform that is still necessary in order to fully protect children from all corporal punishment. Aiming to promote national action for prohibition, the leaflet identifies immediate opportunities for drafting and introducing national prohibiting legislation. A limited number of hard copies is available for advocacy purposes, email info@endcorporalpunishment.org.

[Faith-based support for prohibition and elimination of corporal punishment of children – a global overview](#): This new briefing, prepared by the Churches' Network for Non-violence in collaboration with the Global Initiative, provides examples of faith-based support for prohibition of corporal punishment across the world. With extracts from key statements and links to further information, the summary is a key tool in addressing the faith-based elements of promoting prohibition and elimination of all corporal punishment of children. For further information, email chris@churchesfornon-violence.org. For information on all aspects of working with and within faith communities to promote prohibition, see www.churchesfornon-violence.org.

News from the UN human rights system

Committee on the Rights of the Child

The 69th session of the Committee on the Rights of the Child was held in May/June 2015, including review of prohibition and elimination of corporal punishment in relation to the states being examined under the Convention on the Rights of the Child. Recommendations to prohibit corporal punishment in all settings including repeal of legal defences for its use, such as a “right of correction” or similar, were made to **Eritrea, Ethiopia, Ghana** and **Mexico**. Prohibition of corporal punishment in **Honduras**, achieved in 2013, was welcomed and recommendations were made to ensure implementation of the ban. To the **Netherlands**, where corporal punishment is prohibited since 2007, the Committee recommended prohibition in all settings in Aruba and Caribbean Netherlands. The examination of **Nepal** was postponed.

Human Rights Committee

The 113th session of the Human Rights Committee was held in March/April 2015. Following examination of **Cambodia**, where prohibition has not yet been achieved in the home, alternative care settings or day care, the Committee recommended taking legislative and other measures to end corporal punishment in all settings. In relation to **Cyprus**, the Committee welcomed the formal removal of the right “to administer punishment” from the Children’s Law. This acknowledgement was a long overdue formality - full prohibition was achieved in Cyprus in 1994.

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).

The 22nd session of the Universal Periodic Review was held in May 2015. Recommendations to prohibit all corporal punishment of children were made to **Jamaica, Liberia, Libya, Maldives, Marshall Islands, Mongolia, Panama** and the **USA**. Panama accepted the recommendation; Jamaica and Maldives rejected the recommendation, and the responses of governments in the other states are due by September 2015. A recommendation to prohibit was also made to **Andorra**, to which the Government responded by confirming that prohibition was achieved in December 2014. **Bulgaria** received a recommendation to ensure that its prohibition of corporal punishment in all settings (achieved in 2000) is implemented and enforced.

Submitting information to the UN human rights system

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 72 Pre-Sessional Working Group (5-9 Oct 2015). The PSWG will adopt Lists of Issues for Antigua and Barbuda, Barbados, Bulgaria, Pakistan, St Vincent and the Grenadines, Samoa, Slovakia, Suriname and the UK: the deadline for submitting briefings is 1 July 2015.

(2) Session 73 Pre-Sessional Working Group (1-5 Feb 2016). The PSWG will adopt Lists of Issues for Benin, Brunei Darussalam, France, Gabon, Haiti, Iran, Ireland, Kenya, Latvia, Maldives, Oman, Peru, Senegal, Zambia and Zimbabwe.

Committee Against Torture

(1) Session 55 (27 Jul – 14 Aug 2015). The Committee will examine Iraq, Slovakia and Switzerland: the deadline for submitting briefings is 13 July 2015.

(2) Session 56 (9 Nov – 9 Dec 2015). The Committee will examine Austria, Azerbaijan, China (incl. Hong Kong and Macau), Denmark, Jordan and Liechtenstein: the deadline for submitting briefings is 26 October 2015.

Committee on Economic, Social and Cultural Rights

(1) Session 56 (21 Sep – 9 Oct 2015). The Committee will examine Burundi, Greece, Guyana, Iraq, Italy, Morocco and Sudan: the deadline for submitting briefings is 3-6 weeks before the beginning of the session.

(2) Session 57 (22 Feb – 4 Mar 2016). The Committee will examine Canada, Kenya and Namibia: the deadline for submitting briefings is 3-6 weeks before the beginning of the session.

Committee on the Elimination of Discrimination Against Women

(1) Session 62 (26 Oct – 20 Nov 2015). The Committee will examine Lebanon, Liberia, Madagascar, Malawi, Portugal, Russian Federation, Slovakia, Timor-Leste, United Arab Emirates, Uzbekistan and Yemen: the deadline for submitting briefings is 4 weeks before the start of the session.

Committee on the Rights of Persons with Disabilities

(1) Session 14 (17 Aug – 4 Sep 2015). The Committee will examine Brazil, Gabon, Kenya, Mauritius, Qatar, Ukraine and the European Union: the deadline for briefing is still to be announced.

Human Rights Committee

(1) Session 115 (19 Oct – 6 Nov 2015). The Committee will examine Austria, Benin, Greece, Iraq, Republic of Korea and Suriname: briefings should be submitted by 26 September 2015.

Universal Periodic Review

(1) Session 24 (Jan – Feb 2016). The deadline for submitting briefings is 22 June 2015: Namibia, Niger, Mozambique, Estonia, Paraguay, Belgium, Denmark, Palau, Somalia, Seychelles, Solomon Islands, Latvia, Sierra Leone and Singapore.

(2) Session 25 (Apr – May 2016). The provisional deadline for submitting briefings is 21 September 2015: Suriname, Greece, Samoa, Saint Vincent and the Grenadines, Sudan, Hungary, Papua New Guinea, Tajikistan, United Republic of Tanzania, Antigua and Barbuda, Swaziland, Trinidad and Tobago, Thailand and Ireland.

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"A child should never be hit. In our times, in our world, corporal punishment has to be treated as a form of violence, not as a form of education. In our Intergroup on Children's Rights in the European Parliament, we are committed to fight any

violence against children and we are driving for a zero tolerance policy against corporal punishment. ... Corporal punishment is too often tolerated and too few Member States have put in place legislation to protect children from being hit. We will do all we can to accelerate progress across Europe, working with NGOs and civil society to raise awareness and to pressure more Member States to formally prohibit and sanction corporal punishment on children, also by training law enforcement authorities to protect children."

Anna Maria Corazza Bildt, Co-Chair of the Intergroup on Children's Rights,
European Parliament

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We send the newsletter 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, please tell us at info@endcorporalpunishment.org. If your organisation is not listed as supporting the aims of the Initiative, please consider signing up (online at www.endcorporalpunishment.org or email info@endcorporalpunishment.org).