

Newsletter 32 October 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. We hope you find this update useful; please feel free to share it with your network and if you have any comments, contributions or feedback, email us at info@endcorporalpunishment.org.

Join our conversation!

The Global Initiative is on Facebook and Twitter. Follow us for news and updates as we work towards universal prohibition of all corporal punishment of children:



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Global news and developments

UN adopts the 2030 Agenda for Sustainable Development

The [2030 Agenda for Sustainable Development](#) was formally adopted at a high-level plenary meeting of the General Assembly held in New York from 25-27 September. The agenda comprises 17 Sustainable Development Goals (SDGs) and 169 targets, including target 16.2: *End abuse, exploitation, trafficking and all forms of violence against and torture of children*. Indicators to monitor implementation of the targets will be adopted in March 2016. The Global Initiative is [calling for two indicators on violent punishment](#) to be adopted under target 16.2:

- “Percentage of children aged 0-17 years who experienced any physical punishment by caregivers in the past month”
- “Violent punishment of children is prohibited in all settings of children’s lives including the family home”

For more information, please email elinor@endcorporalpunishment.org.

Five more states commit to prohibiting all corporal punishment

Since our last newsletter, five more states have made a clear commitment to reforming their laws to prohibit all corporal punishment. In a delayed response to recommendations made in the 20th session of the Universal Periodic Review (UPR), **Bosnia and Herzegovina** accepted the recommendation to prohibit corporal punishment. **Guinea-Bissau**, **Kiribati** and **Kyrgyzstan** all clearly accepted recommendations to prohibit corporal punishment made at the 21st session, and the **Marshall Islands** recently accepted recommendations to prohibit corporal punishment in all settings and to repeal legal defences for its use made at the 22nd session. This brings the total number of states committed to full prohibition of corporal punishment to 52.

Global Initiative at the Parliament of the World's Religions

The 2015 Parliament of the World's Religions takes place this week from 15-19 October in Salt Lake City, Utah. The Global Initiative is there with Save the Children Sweden, where we are launching our new handbook, [Ending corporal punishment of children – a handbook for working with religious communities](#) (see more below). For more on role that religious communities play in the global movement to end corporal punishment of children, visit our exhibition booth and join our [workshop on ending legalised violence of children](#) on Saturday 17 October. Follow the Parliament on Facebook and Twitter using #2015Parliament.

WHO on the role of health systems in addressing interpersonal violence

The World Health Organisation has produced the [first draft](#) of its *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 draft plan acknowledges the magnitude of violence against children, including corporal punishment, and the need for member states and national and international partners to advocate for law and policy reforms and ensure their alignment with international human rights standards, and enforce existing laws and policies to prevent violence against children and adolescents, including corporal punishment, in all settings.

Consultation on the draft is open until 16 October 2015. Read more on the process for developing the global plan of action [here](#). Read the Global Initiative's response to the zero draft plan of action [here](#).

'Mandela Rules' on the treatment of prisoners launched

This month, the United Nations launched a revised set of Standard Minimum Rules for the Treatment of Prisoners – to be known as 'the Mandela Rules' – which were adopted at the 24th session of the Commission on Crime Prevention and Criminal Justice in May. Prohibition of corporal punishment of prisoners contained in Rule 43 was retained throughout the revision process, which focussed on nine thematic areas, including disciplinary measures. [Read more](#).

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) standards have also been revised, and again include a strong statement against corporal punishment. [Read the standards](#).

Somalia ratifies the Convention on the Rights of the Child

In a significant and very welcome step toward realising the rights of the country's 6.5 million children, Somalia this month deposited its official ratification of the Convention on the Rights of the Child (CRC) at the UN, having approved ratification of the treaty back in January. Somalia is the 196th State Party to the CRC – the most widely ratified human rights treaty in history. The United States of America is now the only country in the world that has not ratified the Convention. [Read more](#).

Positive steps

Antigua and Barbuda: The Child Justice Bill currently under discussion includes explicit prohibition of corporal punishment as a sentence for juvenile offenders.

Guyana: The Juvenile Justice Bill would, if passed, prohibit corporal punishment of children in penal institutions and as a sentence for crime.

Seychelles: The Education (Amended) Bill 2015 would, if passed, prohibit corporal punishment in schools. We have yet to establish whether or not it would repeal the right of teachers to “administer proper punishment” in article 70 of the Children Act 1982.

Backwards steps

Maldives: The new Penal Code 2014 came into force in July 2015. It authorises the use of force by parents, teachers and others for the purpose of punishing children. It also provides for children to be sentenced to lashes for certain Islamic crimes, stating that the sentence cannot be carried out until the child reaches 18 years.

USA: As part of a judgment that reversed a man’s assault and battery conviction for hitting his three-year-old daughter, the Massachusetts Supreme Judicial Court issued "guidelines" on when corporal punishment is and isn't lawful, allowing “reasonable” use of force against children that is reasonably related to a “legitimate” purpose. In response, a Bill to encourage parents not to use corporal punishment is under discussion in Massachusetts.

Zimbabwe: A ground-breaking judgment of the High Court, which held that judicial sentences of corporal punishment against juvenile offenders violate Zimbabwe’s 2013 Constitution, has been suspended by the Constitutional Court pending its final determination on the issue. This means that in the interim sentences of caning can continue to be handed down and enforced against children.

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Advocacy resources

New resources from the Global Initiative

[*Prohibiting all corporal punishment of children: progress and delay*](#): This revised and updated briefing summarises global progress and delay in achieving universal prohibition of all corporal punishment of children, including in the home, providing up to date facts and figures to support efforts to ensure states meet their obligations under international human rights law to protect children from corporal punishment in law and in practice. Information is graphically presented in this handy A5 leaflet.

[*Prohibiting all corporal punishment of children in Africa: progress and delay*](#): This leaflet graphically illustrates the progress and delay in prohibiting all corporal punishment in Africa, where seven states have achieved prohibition in all settings and a further 13 states are committed to doing so. Designed to encourage urgent action, the briefing lists some of the states in which governments are most resistant to reform and highlights immediate opportunities for prohibiting corporal punishment in around 42 African states. It is available in [English](#) and [French](#).

[*Progress towards prohibiting all corporal punishment of children in ASEAN member states*](#): This updated briefing summarises progress to date towards prohibiting corporal punishment in ASEAN member states, identifies the law reform necessary in each state to achieve full prohibition and the current opportunities for doing so. No ASEAN member state has yet prohibited all corporal punishment of children, but there are immediate opportunities to introduce prohibiting legislation in almost all 10 states, and governments in two – the Philippines and Thailand – are publicly committed to achieving prohibition all settings.

[*Ending corporal punishment of children – a handbook for working with religious communities*](#): This handbook is a revised, abridged version of “Ending corporal punishment of children - working with and within religious communities” (2011). Recognising the crucial role that religious communities play, it provides links to tools and resources for engaging with and enlisting the support of religious communities and faith-based institutions towards the prohibition and elimination of corporal punishment of children. The handbook is being launched today (15 October) at the Parliament of the World’s Religions (see more above).

[*Ending violent punishment of children – a foundation of a world free from fear and violence*](#): This new briefing from the Global Initiative was produced to assist advocacy on the development of indicators for the SDGs, calling for the adoption of

two global indicators on violent punishment under SDG target 16.2 which aims to end all forms of violence against children - the first on elimination of violent punishment, and the second on prohibition (see more above). For more information, email elinor@endcorporalpunishment.org.

Other resources

[*Children in Court CRINmail on corporal punishment*](#): In September, Child Rights International Network (CRIN) published a Children in Court CRINmail on corporal punishment of children. With a special foreword by Peter Newell, Coordinator of the Global Initiative to End All Corporal Punishment of Children, this CRINmail provides a round-up of recent news, litigation and legislation on corporal punishment from around the world. It also includes a case study on the collective complaint taken by APPROACH Ltd to the European Committee of Social Rights against France.

[*World Perspectives on Child Abuse, Eleventh Edition*](#): Published by the International Society for the Prevention of Child Abuse and Neglect (ISPCAN), this report finds general support for physical punishment is considered a moderately-majorly significant barrier to child maltreatment prevention in all regions. The use of physical discipline is viewed as child maltreatment by 70% of respondents in Europe and low income countries, but by only 53% of respondents across all regions, suggesting that despite considerable evidence of harming children, physical discipline remains a normative disciplinary practice in many countries, rather than being considered maltreatment.

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News from the UN human rights system

Note: All of these and previous recommendations by treaty bodies are available in full in the relevant [country reports](#) and on the [treaty body pages](#) on our website.

Committee on the Rights of the Child

In its concluding observations on states examined at the 70th session in September/October 2015, the Committee on the Rights of the Child recommended

that all corporal punishment be prohibited, including through the repeal of legal defences for its use where they exist, in **Chile, Kazakhstan, Timor-Leste** and the **United Arab Emirates**. To **Bangladesh**, the Committee noted the High Court directive to the Government to ban all corporal punishment of children and recommended that prohibition be accompanied by the promotion of positive, non-violent and participatory forms of childrearing and discipline, awareness-raising on the prohibition and the creation of relevant mechanisms for fulfilling the law. To **Brazil** and **Poland**, where law reform has already been achieved to prohibit all corporal punishment, the Committee recommended measures to ensure full implementation and enforcement of the law.

Human Rights Committee

The 114th session of the Human Rights Committee was held in June/July 2015. The issue of prohibition and elimination of corporal punishment was raised in the examinations of three states – **TFYR Macedonia, UK** and **Uzbekistan**. In its concluding observations on the review of the UK, the Committee expressed concern that corporal punishment is not fully prohibited in the home and other settings in the UK and the British Crown Dependencies and Overseas Territories and at the existence of legal defences of “reasonable punishment” in England, Wales and Northern Ireland and “justifiable assault” in Scotland. The Committee recommended that steps – including legislative measures – be taken to end corporal punishment in all settings.

Committee on Economic, Social and Cultural Rights

Following examination of states at its 55th session in June, the Committee on Economic, Social and Cultural Rights expressed concern at widespread corporal punishment of children in **Uganda** and recommended it be prohibited.

Following examination of states at its 56th session in September/October 2015, the Committee on Economic, Social and Cultural Rights recommended to **Burundi** that corporal punishment of children be prohibited in all settings, including the family.

Committee on the Rights of Persons with Disabilities

The Committee on the Rights of Persons with Disabilities published its concluding observations on states examined at its 14th session in August/September 2015. The Committee raised the issue of corporal punishment of children in the reviews

of **Mauritius** and **Qatar**, and in its concluding observations on Qatar recommended that all corporal punishment be prohibited.

Committee on the Elimination of Discrimination Against Women

The 61st session of the Committee on the Elimination of Discrimination Against Women took place in July 2015. The Committee expressed concern at corporal punishment of children in **Namibia** and recommended its elimination in all settings, particularly in schools, and the promotion of non-violent discipline.

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).

At the 30th session of the Human Rights Council in September/October 2015, states responded to recommendations received at the 22nd session of the UPR in May. Recommendations on corporal punishment were accepted by **Bulgaria, Marshall Islands, Mongolia** and **Panama**; noted by **Andorra, Liberia** and **Libya**, and rejected by **Jamaica** and the **Maldives**. The **USA** accepted a recommendation to promote non-violent discipline but rejected a recommendation to prohibit corporal punishment.

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 lists show which states are coming up for examination by the treaty

bodies and the UPR. For details of deadlines for submitting briefings see the [individual country reports](#).

Committee on the Rights of the Child

(1) Session 71 (Jan 2016). The Committee will examine Benin, Brunei Darussalam, France, Gabon, Haiti, Iran, Ireland, Kenya, Latvia, Maldives, Oman, Peru, Senegal, Zambia, Zimbabwe

(2) Session 73 Pre-Sessional Working Group (Feb 2015). The PSWG will adopt Lists of Issues for Central African Republic, Estonia, New Zealand, Qatar, Saudi Arabia, Sierra Leone, South Africa

Committee Against Torture

(1) Session 56 (Nov/Dec 2015). The Committee will examine Austria, Azerbaijan, China, Denmark, Jordan, Liechtenstein; the Committee will adopt Lists of Issues for France, Mongolia, Saudi Arabia, Tunisia, and Lists of Issues Prior to Reporting for Ghana, Kenya, Kyrgyzstan, Latvia, Netherlands, Poland, Portugal

(2) Session 57 (Apr/May 2016). The Committee will examine France, Israel, Philippines, Saudi Arabia, Tunisia, Turkey

Committee on Economic, Social and Cultural Rights

(1) Session 57 (Feb/Mar 2016). The Committee will examine Canada, Kenya, Namibia; the Committee will adopt Lists of Issues Prior to Reporting for Bulgaria, New Zealand, Spain

(2) Session 57 Pre-Sessional Working Group (Mar 2016). The PSWG will adopt Lists of Issues for Costa Rica, Cyprus, Dominican Republic, Lebanon, Philippines, Poland, Tunisia, Yemen

Committee on the Elimination of Discrimination Against Women

(1) Session 63 (Feb/Mar 2016). The Committee will examine Czech Republic, Haiti, Iceland, Japan, Mongolia, Sweden, UR Tanzania, Vanuatu

(2) Session 64 (Jul 2016). The Committee will examine Albania, France, Mali, Myanmar, Philippines, Trinidad and Tobago, Turkey, Uruguay

Committee on the Rights of Persons with Disabilities

(1) Session 5 Pre-Sessional Working Group (Mar 2016). The PSWG will adopt Lists of Issues for Colombia, Ethiopia, Italy, Republic of Moldova, United Arab Emirates,

Uruguay

(2) Session 15 (Mar/Apr 2016). The Committee will examine Chile, Lithuania, Portugal, Serbia, Slovakia, Thailand, Uganda; the Committee will adopt Lists of Issues for Bolivia, Guatemala

Human Rights Committee

(1) Session 116 (Mar 2016). The Committee will examine Costa Rica, Namibia, New Zealand, Rwanda, Slovenia, South Africa, Sweden; the Country Report Task Forces will adopt Lists of Issues for Azerbaijan, Bangladesh, Colombia, Jamaica, Morocco, Slovakia, and the List of Issues Prior to Reporting for Estonia

(2) Session 117 (Jun/Jul 2016). The Committee will examine Argentina, Burkina Faso, Ghana, Kazakhstan, Kuwait; the Country Report Task Forces will adopt the List of Issues for Thailand, and Lists of Issues Prior to Reporting for Belgium, Lithuania, Norway

Universal Periodic Review

(1) Session 23 (Nov 2015) – Austria, Australia, Georgia, Lebanon, Mauritania, Micronesia, Myanmar, Nauru, Nepal, Oman, Rwanda, Sao Tome and Principe, St Kitts and Nevis, St Lucia

(2) Session 24 (Jan/Feb 2016) – Belgium, Denmark, Estonia, Latvia, Mozambique, Namibia, Niger, Palau, Paraguay, Somalia, Seychelles, Sierra Leone, Singapore, Solomon Islands

(3) Session 25 (Apr/May 2016) – Antigua and Barbuda, Greece, Hungary, Ireland, Papua New Guinea, Samoa, St Vincent and the Grenadines, Sudan, Suriname, Swaziland, Tajikistan, Thailand, Trinidad and Tobago, UR Tanzania

(4) Session 26 (Oct/Nov 2016) – Haiti, Iceland, Lithuania, Republic of Moldova, South Sudan, Syrian Arab Republic, Timor-Leste, Togo, Uganda, Venezuela, Zimbabwe

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"The acceptance by states of SDG target 16.2 on ending all forms of violence against children is a breakthrough; fulfilling it is fundamental to the achievement of

*other SDG targets on health, education, violence against women and equality.
Now it is essential to adopt indicators that specifically cover prohibition and
elimination of violent punishment, acknowledged to be the most common form of
violence against children."*

Paulo Sérgio Pinheiro
Independent Expert who led the UN Secretary General's Study on Violence
against Children



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