

Newsletter 33 February 2016



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

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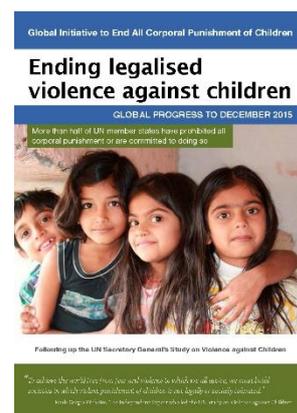
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Welcome to the quarterly e-newsletter from the Global Initiative to End All Corporal Punishment of Children. We hope you find this update useful; please share it with your networks and if you have any comments, contributions or feedback, email us at info@endcorporalpunishment.org.

Global report out now!

The year 2015 saw a milestone in progress towards universal prohibition of corporal punishment of children: now, more than half of UN member states have achieved prohibition in all settings, including the home, or are committed to doing so.

This [latest global progress report](#) from the Global Initiative and Save the Children charts developments to December 2015. It considers prohibition and elimination of corporal punishment in the context of the new Sustainable Development Goals, particularly target 16.2 on ending all violence against children. It also describes



growing faith-based advocacy for reform and ever mounting research making visible this most common form of violence against children.

Packed with facts and figures – the good and the bad – as well as setting out the relevant international human rights standards and what the obligation to protect children from corporal punishment means in terms of law reform, this report is intended to provoke and support continued advocacy on the issue. [Read the report.](#)

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Global news and developments

Ireland, Peru and Greenland prohibit all corporal punishment!

[Ireland](#): On 11 November 2015, after more than a decade of mounting human rights pressure to give children equal protection from assault, Dáil Éireann (the lower house) passed the Children First Act which removed the common law defence of “reasonable chastisement”, effectively banning all corporal punishment. The ban came into force on 11 December 2015. Speaking in Seanad Éireann (the upper house), Senator Jillian van Turnhout, who tabled the amendment, said:

"Through its colonial past, England has been responsible for rooting this legal defence in over 70 countries and territories throughout the world.... [This amendment] will hopefully give confidence to the Government at Westminster, the devolved UK Administrations and other countries across the globe to discard these archaic and disreputable defences and give full respect to the dignity of children.... There must never be a defence for violence against children."

[Peru](#): On 10 December 2015, the Peruvian Congress approved by a near unanimous vote (74 in favour, one abstention) the Law prohibiting the use of physical and other humiliating punishment against children and adolescents (“Ley que prohíbe el uso del castigo físico y humillante contra los niños, niñas y adolescentes”), making Peru the 9th Latin American state to achieve this fundamental reform for children.

[Greenland](#): In January 2016, the Parliament of Greenland – a self-governing territory within the Kingdom of Denmark – passed Bill No. L 35, bringing the Danish Act on Parental Responsibility 2007 into force in Greenland. Article 2(2) of the

Danish Act states: "Children must be treated with respect for their person and must not be exposed to corporal punishment or other humiliating treatment." The new Law, which comes into effect in April 2016, means that violent punishment of children, including in the home, is now unlawful throughout the Kingdom of Denmark.

Globally, **48 states** and **six territories** worldwide have now prohibited all corporal punishment of children, including in the home.

Universal Children's Day – calls for prohibition of corporal punishment

On 20 November 2015, Universal Children's Day, Council of Europe Secretary General, Thorbjørn Jagland, welcomed the ban on corporal punishment in Ireland, saying "Ireland's new Children First Act sends out an important message – there is no longer any excuse for adults hitting children", and strongly urged other countries to follow Ireland's example (read the full [press release](#)). On the same day, the Children's Commissioner for Wales, Sally Holland, released a [video calling for prohibition](#) of all corporal punishment in Wales (a call supported by the [Archbishop of Wales](#)), and NSPCC Scotland and others published a [review of evidence](#) on physical punishment of children, calling for legal prohibition and education and awareness campaigns on the harm that it causes and the merits of positive non-violent discipline (see more below).

South African Human Rights Commission rules against Church promotion of corporal punishment and calls for prohibition in the home

The South African Human Rights Commission (SAHRC) in January 2016 issued its ruling on a complaint brought against the Joshua Generation Church by two concerned parents, the NGO Sonke Gender Justice (www.genderjustice.org.za), and child rights advocate Carol Bower, concerning the Church's promotion of corporal punishment as a means of parental "discipline" of children. The Commission considered the rights of the child under the UN Convention on the Rights of the Child (CRC), the African Charter on the Rights and Welfare of the Child (ACRWC), the South African Constitution and the South African Children's Act 2005, other national legislation and relevant case law, and ruled against the Church. In doing so, it called on the Government to meet its human rights obligations by initiating law reform to prohibit corporal punishment in the home. Following publication of the ruling, the Government confirmed that it would table the necessary amendments to the Children's Act. [Read more.](#)

Regional newsletters for Africa and the Caribbean out now

The latest edition of the African e-newsletter from the Global Initiative, published in January 2016, includes information on regional campaigns and from human rights monitoring bodies in Africa and beyond. Read the newsletter in [English](#) and [French](#) and sign up to [receive future editions](#).

The sixth issue of the Caribbean Coalition for the Abolition of Corporal Punishment of Children (CCACPC) e-newsletter was also published in January. [Read the newsletter](#) and sign up to show your support for prohibition of corporal punishment in the Caribbean and to [receive future CCACPC newsletters](#).

Positive steps

Antigua and Barbuda: The Child Justice Bill tabled in Parliament in October 2015, which includes explicit prohibition of corporal punishment as a sentence for juvenile offenders, has been passed in the Lower House and is expected to be enacted in the first half of 2016.

Aruba: It seems that proposed amendments to the Civil Code would achieve prohibition by adopting the same wording for article 1:247 as was used in the Netherlands to achieve prohibition.

Bosnia and Herzegovina: The National Action Plan for Children 2015-2018 states that the Ministry of Justice will introduce amendments to Criminal Codes to prohibit corporal punishment in all settings, with a deadline of 2016.

Cayman Islands: A draft Education Bill 2015 is under discussion, which includes prohibition in schools and in all early childhood care and education centres.

Guyana: President David Granger came out in support of abolition of all corporal punishment in January, stating, “We need to remove all forms of corporal punishment from the school and in the home”. The President said a child who is taught to solve a conflict by violent means will continue that cycle, while non-physical forms of discipline will foster psychological health. [Read more](#).

Mozambique: By accepting a recommendation to prohibit all corporal punishment as part of the Universal Periodic Review of its overall human rights record in January, Mozambique became the latest state to openly commit to full prohibition (see more below).

Uganda: A Children’s Amendment Bill which includes prohibition of corporal punishment in schools has been tabled in Parliament and sent to committee stage. However, another Bill prohibiting all corporal punishment, including in the home, was withdrawn.

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Advocacy resources

[*Implementing child maltreatment prevention programmes: what the experts say*](#): A new handbook from the World Health Organisation (WHO), launched in November 2015 and based on a series of interviews with the world's leading experts on preventing child maltreatment, provides practical information to policy-makers, practitioners and others on implementing prevention programmes. The handbook highlights the need for legal prohibition of all corporal punishment, including in the home, as well as the need to address attitudes that support corporal punishment and change behaviour through education and the promotion of positive, non-violent discipline among parents, teachers and other adults who care for children and young people.

[*Current State of Legislation in the Eastern Caribbean and British Overseas Territories from a Children’s Rights Perspective*](#): A new UNICEF report reviews the legislative framework, including the legality of corporal punishment, and identifies the most important legislative reforms and amendments for children in each country and territory covered by the study. The report identifies abolition of corporal punishment as a “main issue pending” in Grenada, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Monserrat and elsewhere. Recommendations to Antigua and Barbuda, for example, include explicit prohibition of “all corporal punishment in all settings, including the home and all settings where adults have authority over children”.

[*Equally Protected? A review of the evidence on the physical punishment of children*](#): The findings of a research project commissioned by NSPCC Scotland, Children 1st, Barnardo’s Scotland and the Children and Young People’s Commissioner Scotland were published in November 2015. The review found good evidence that in many countries, including Scotland and the rest of the UK, the prevalence of physical punishment is declining and physical punishment is becoming less acceptable. The review also identified consistent evidence from

good-quality research that physical punishment is associated with increased childhood (and adult) aggression and antisocial behaviour, and a worrying and serious risk of escalation into injurious abuse and maltreatment. The report calls for legal prohibition of all corporal punishment, accompanied by large-scale information and awareness campaigns on the harms caused by physical punishment and the merits of positive parenting.

[*Violence against children with disabilities: legislation, policies and programmes in the EU*](#): A new report from the European Union Agency for Fundamental Rights (FRA) outlines the findings of research conducted by FRA on violence against children with disabilities, focusing on the extent, forms, causes and settings of such violence. The report notes that not all EU member states have prohibited corporal punishment in all settings, and highlights “Don’t hit the child” – the Finnish Ministry of Social Affairs and Health’s “National action plan to reduce corporal punishment of children 2010–2015” – as a promising practice.

[*The Right to an Upbringing Free of Violence. 25 years of prohibition of violence by law – an interim review*](#): This report from Austria’s Federal Ministry for Youth and Family (BMFJ) examines changes in attitudes to methods of child-rearing and the broader impact of legal prohibition of violence (achieved in 1989) by comparing responses to statements in 2014 with those received in 1977. The report shows the approval of statements such as “a little slap now and again never harmed a child” drop dramatically from 85% in 1977 to 16% in 2014. “When adults are speaking, children should remain quiet” attracted 64% approval in 1997, but only 16% in 2014, suggesting a move away from a relatively dominant authoritarian viewpoint to children’s participation, towards a more inclusive role for children.

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News from the UN and regional human rights systems

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 71st session in January 2016, the Committee on the Rights of the Child welcomed prohibition of all corporal

punishment recently achieved in **Ireland** and **Peru** and noted prohibition in **Benin**. The Committee expressed concern at the continued use of corporal punishment in **Kenya** and **Latvia** despite prohibition in law and made recommendations regarding implementation. To **France, Haiti, Senegal, Zambia** and **Zimbabwe**, the Committee made recommendations to prohibit corporal punishment in all settings, and expressed particular concern at provisions authorising judicial corporal punishment of children in **Brunei Darussalam, Iran** and **Oman**. In a number of cases, the Committee referred to the new context of the Sustainable Development Goals, target 16.2 on ending violence against children. [Read more](#).

Human Rights Committee

At its 115th session held in October/November 2015, the Human Rights Committee welcomed prohibition of all corporal punishment in **San Marino** and made a recommendation to **Suriname** to prohibit corporal punishment in all settings, to encourage non-violent forms of discipline as alternatives and to conduct public information campaigns to raise awareness about the harmful effects of corporal punishment.

African Committee of Experts on the Rights and Welfare of the Child

Corporal punishment featured consistently in the concluding observations on states examined at the 25th session of the African Committee of Experts on the Rights and Welfare of the Child, which took place in March/April 2015. The Committee recommended that **Madagascar** ban corporal punishment in all settings, including the home and schools, and that **Namibia** and **Zimbabwe** prohibit corporal punishment and promote positive discipline in all settings. To **Rwanda**, the Committee expressed concern that the right of correction in the Civil Code has not yet been repealed and recommended the repeal of all laws contradicting the Integrated Child Rights Policy (which "bans" corporal punishment in all settings).

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 overall human rights records of 14 states were examined at the 24th session of the Universal Periodic Review in January 2016. Three states (**Denmark**, **Estonia** and **Latvia**) have already achieved law reform to prohibit corporal punishment in all settings. Recommendations to prohibit all corporal punishment were made to ten states: recommendations were accepted by **Paraguay** and **Mozambique**, making Mozambique the latest state to openly indicate its commitment to full prohibition; **Belgium** accepted one recommendation to prohibit and rejected another, and Namibia, Palau, Sierra Leone, Solomon Islands and Somalia must respond formally to the recommendations no later than June 2016. No recommendation on corporal punishment was made to Niger, despite its legality. [Read more](#).

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 72 (May/Jun 2016). The Committee will examine Bulgaria, Gabon, Nepal, Pakistan, Samoa, Slovakia, Suriname, UK

(2) Session 74 Pre-Sessional Working Group (Jun 2016). The PSWG will adopt Lists of Issues for Bhutan, Central African Republic, Democratic Republic of the Congo, Georgia, Malawi, Qatar, Serbia

Committee Against Torture

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

(2) Session 58 (Jul/Aug 2016). The Committee will examine Burundi, Cape Verde, Honduras, Kuwait, Mongolia

Committee on Economic, Social and Cultural Rights

(1) 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

(2) Session 58 (Jun 2016). The Committee will examine Angola, Burkina Faso, France, Honduras, Sweden, The former Yugoslav Republic of Macedonia, UK

Committee on the Elimination of Discrimination Against Women

(1) Session 65 Pre-Sessional Working Group (Mar 2016). The PSWG will adopt Lists of Issues for Antigua and Barbuda, Argentina, Armenia, Bangladesh, Bhutan, Burundi, Canada, Estonia, Honduras, Netherlands, Switzerland; the PSWG will adopt the List of Issues Prior to Reporting for Romania

(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, Denmark, Ecuador, Ghana, Kazakhstan, Kuwait; the Country Report Task Forces will adopt Lists of Issues for Italy, Pakistan, Serbia, Thailand, Turkmenistan and Lists of Issues Prior to Reporting for Belgium, Lithuania, Norway

Universal Periodic Review

(1) Session 25 (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

(2) 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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"It is exciting to hear from the Global Initiative that we have reached a new tipping point: more than half of all UN member states have either prohibited all corporal punishment of children... or clearly committed to do so.... Now we have the additional context of full global commitment to new Sustainable Development Goals and targets – including the adopted target 16.2 to end 'all forms of violence against children' by 2030: this has to include the prohibition and elimination of violent punishment of children, the most common and pervasive form of violence against them in the family – and in many states also in schools and other settings."

Benyam Dawit Mezmur, Chair, Committee on the Rights of the Child; Chair, African Committee of Experts on the Rights and Welfare of the Child, in *Ending legalised violence against children: global progress to December 2015*



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