

Newsletter 40
June 2018



GLOBAL INITIATIVE TO
**End All Corporal
Punishment of Children**

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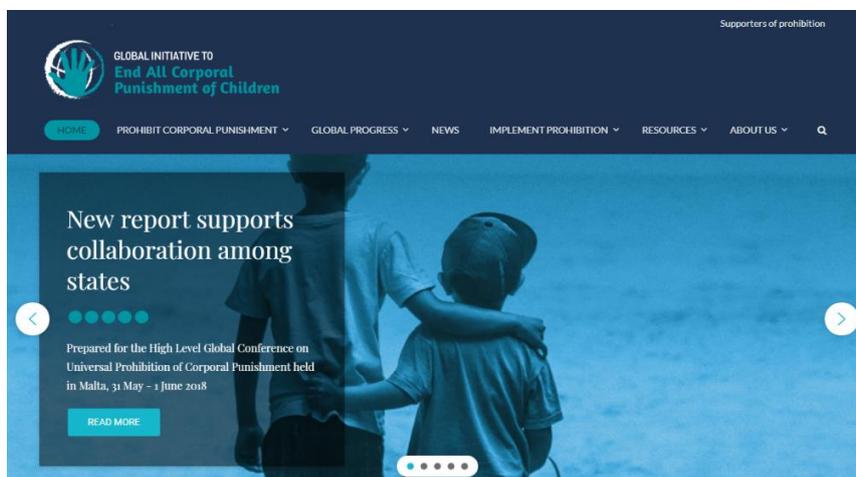
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Welcome to your quarterly e-newsletter from the Global Initiative. We hope you find this update useful; please share it with your networks and email us any comments or contributions to info@endcorporalpunishment.org.

Global Initiative launches new website and logo!

The Global Initiative is delighted to share our brand new logo and website with you. You can find all our reliable and up to date information, right where you left it, at www.endcorporalpunishment.org.

The website also includes our new [privacy policy](#), which gives you more control over your personal information, in line with new European data protection laws. If you have any questions, feel free to [contact us](#) – we're happy to help.



We hope you like the new look. As always, we welcome your feedback - please send any updates, comments or corrections to info@endcorporalpunishment.org.

Global news and developments

Governments call for universal prohibition of corporal punishment and increased collaboration among states at global conference

A High Level Global Conference on the Universal Prohibition of Corporal Punishment was held in Malta on 31 May – 1 June 2018, under the patronage of Her Excellency the President of Malta, where states shared experiences of efforts aimed at ending all corporal punishment of children. The two-day event centred on a number of themes, including: enacting comprehensive legislation; awareness raising; social mobilisation; capacity building for professionals; prevention; sustaining positive change; reviewing progress, and child participation.

Anna Henry, Director of the Global Initiative, chaired a panel on global progress and the way forward to achieve global prohibition of corporal punishment. We also published a special progress report for the Conference (see more below) in collaboration with the President's Foundation for the Wellbeing of Society, highlighting how states can work together towards this goal; the report was distributed to all participants and is available [on our website](#).



This was the third Conference of its kind, with previous events held in Austria in 2016 and Sweden in 2014. The Tunisian Government has agreed to host the next event in 2020. The final report of the Conference is expected soon.



Partners gather in Geneva seeking to end corporal punishment

Ahead of the Global Conference in Malta, an event was held in Geneva on 24 April 2018, organised by Save the Children with the Global Initiative, the permanent missions of Malta, Austria and Mexico, and a number of partners, to address challenges and opportunities in ending punitive violence against children. The event was live streamed and can be [watched back here](#).

Global Initiative highlighted as effective strategy to end cruel and inhuman sentencing

The [World Congress on Justice for Children](#) was held on 28-30 May 2018 at UNESCO House, Paris. The event was attended by over 850 participants, and included 150 speakers and 28 workshops. At a workshop entitled “End Cruel, Inhuman and Degrading Sentencing on Children: International Strategies”, the Global Initiative addressed global progress in prohibiting the use of corporal punishment in penal systems for children, and how we work to prohibit and eliminate the practice, both as a sentence for crimes committed by children (still lawful in 34 countries worldwide) and as a disciplinary measure in penal institutions (still lawful in 60 countries). You can review updates using #J4C2018.

Inter-American regional forum seeks to end all corporal punishment

On 25-26 April, the Mexican Government hosted the Inter-American forum on corporal punishment, “Reunión Interamericana sobre castigo corporal contra niños, niñas y adolescentes”, aimed at sharing experience and best practices in prohibiting and eliminating corporal punishment across the region. The meeting addressed legal prohibition, public policy and action, cultural behaviour change, measuring corporal punishment and child participation. Conclusions and a joint declaration on ending corporal punishment, bullying and cyber-bullying are expected soon.

"Leave No Child Behind for Africa's Development"

The Day of the African Child (DAC), celebrated on 16 June each year, was this year commemorated on the theme "Leave No Child Behind for Africa's Development". The Global Initiative [published a briefing for the DAC](#) last year (in English and French) calling on African governments to prohibit all corporal punishment of children as an essential step towards fulfilling the 2030 Agenda for Sustainable Development – particularly target 16.2 to end all violence against children – and Africa’s Agenda for Children 2040: Fostering an Africa Fit for

Children. [Read more about the DAC.](#)

African e-newsletter

The latest edition of the Global Initiative's African newsletter was published in May in [English](#) and [French](#) – sign up to [receive future editions](#).

Steps towards prohibition

Canada: Bill S-206 passed the 2nd reading in the Senate and was referred to the Standing Senate Committee on Legal and Constitutional Affairs. The Committee will examine the text and report its recommendations (adopt, amend or reject) to the Senate, which will then need to have a 3rd reading vote. If adopted, the Bill would then be transmitted the House of Commons.

Guyana: A new Juvenile Justice Bill introduced to Parliament would prohibit corporal punishment in penal institutions for juveniles but article 61 allows for a juvenile to serve their sentence in a correctional facility for adults if it is “in the best interests of the juvenile or in the public interest” – in which case laws applicable to adult prisoners and offenders, including the Prison Act 1957 which allows flogging, would apply. The Bill might prohibit corporal punishment as a sentence for a crime, as it is not listed as a possible sentence, but it does not repeal all older legislation which authorises judicial corporal punishment for children.

Lesotho: A Children’s Protection and Welfare Act Amendment Bill 2018 which would reportedly remove the “justifiable discipline of children” defence is under discussion, but it does not seem that it would remove the same defence from the Penal Code Act 2010 or include explicit prohibition.

UK (Wales): Government [received over 1,900 responses](#) (some representing the views of children and/or young people) to a consultation on proposals to remove the defence of reasonable punishment and give children equal protection from assault, which closed on 2 April 2018. We await publication of the analysis of responses, which is being conducted independently.

USA (Tennessee): HB2330 was signed into law in May; it prohibits the use of corporal punishment against students with disabilities, **but** children with disabilities can still be subjected to corporal punishment at school if their parent provides written consent.

Other positive news

Gambia: In May, the Child Protection Alliance [held](#) a two-day meeting with the National Assembly Select Committee responsible for children to work towards prohibition of all corporal punishment.

India: 200 teachers and principals [learned](#) about alternatives to corporal punishment and legalities associated with its use at a day-long workshop held by the National Commission for Protection of Child Rights (NCPCR) in June.

Jamaica: May was Child Month in Jamaica, which saw the launch of a number of [campaigns](#) related to child rights and protection which are scheduled to run until November, including one against corporal punishment, “Positive Discipline. No Spanking Campaign”.

Jordan: A Multi-Sectoral National Plan of Action to End Physical Violence was [launched](#) in March. The plan, developed jointly by government ministries, institutions, the private sector, civil society organisations, media and the UN, aims to reduce physical violence against children by parents and teachers by 50% over three years.

Malawi: On 19-20 June 2018, the Malawi Human Rights Commission held a workshop "Protect children from all forms of violence and abuse: End corporal punishment in all settings" looking especially at schools and education settings. Co-facilitated by the Global Initiative, the workshop was opened by Commissioner Benedicto Kondowe and attended by representatives of the Ministry of Education, Department of Social Affairs, Police Service, Office of the Ombudsman, Teaching Service Coalition and a range of NGOs. Participants actively engaged in discussion and strategic planning for law reform to prohibit corporal punishment and encourage the use of positive discipline in schools, including the development of a positive discipline handbook for teachers.

Philippines: A multi-sectoral Plan of Action to End Violence Against Children (PPAEVAC) was [launched](#) in May which includes commitments to enact and enforce laws banning all forms of violence against children and to promote positive discipline.

South Africa: Save the Children has [urged](#) Government to implement positive discipline programme in all schools across the country in order to implement the ban on corporal punishment on schools and prevent violence against learners. The Department of Basic Education also [issued](#) a statement condemning “in the harshest possible terms, the reckless and irresponsible attempts by principals, teachers and/or any support staff member to undermine the existing legislative framework prohibiting the use of corporal punishment in schools.”

Switzerland: An international conference was held on 3-4 May in Bern to discuss reforming Switzerland's Civil Code to include a ban on all corporal punishment of children. [Read more.](#)

UK (England and Wales): The new Charging Standard was publicised in May; the standard has reverted back to "reddening of the skin", replacing the previous threshold of "serious injury" ("unless the injury is transient and trifling and amounted to no more than temporary reddening of the skin, a charge of [assault occasioning actual bodily harm], for which the [reasonable chastisement] defence does not apply, should be preferred").

But...

Kenya: The Teachers Service Commission has admitted it has limited powers to implement the ban in private schools, as its sanctions (deregistration) can only be implemented if the school involved refers the teacher to the Commission.

Qatar: The Government ratified the International Covenant on Civil and Political Rights but stated they would "interpret the term "punishment" in Article 7 of the Covenant in accordance with the applicable legislation of Qatar and the Islamic Sharia" to avoid a ban on corporal punishment.

UK: The Government has admitted that nurses and other staff acting in loco parentis in health settings (including mental health inpatient units) would be able to invoke the "reasonable chastisement" defence as there is no explicit prohibition.

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Advocacy resources

New resources from the Global Initiative

[Special progress report launched at global conference](#)

Prepared for the High Level Global Conference on Universal Prohibition of Corporal Punishment held by Her Excellency Marie-Louise Coleiro Preca, President of Malta, May-June 2018, this report outlines progress to date towards

occur at home, with three quarters of children aged 2-4 worldwide (almost 300 million children) regularly subjected to violent discipline (physical punishment and/or psychological aggression) by their parents or other caregivers at home, and around 6 in 10 (250 million) subjected to physical punishment. It also says worldwide 732 million (1 in 2) school-age children between 6-17 years live in countries where corporal punishment at school is not fully prohibited.

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News from the UN and regional human rights systems

The Global Initiative regularly briefs human rights treaty monitoring bodies and the Universal Periodic Review prior to examination of state parties, and encourages national NGOs and human rights institutions to do likewise: if you/your organisation is interested please contact info@endcorporalpunishment.org.

Information on states' upcoming treaty body and UPR examinations, the deadlines for submitting briefings, and the text of the below and previous recommendations are available in our [country reports](#) and on the [treaty body pages](#) on our website.

Committee on the Rights of the Child

At its 78th session in May/June 2018, the Committee issued recommendations on corporal punishment to all the states under examination. To **Angola**, it requested urgent measures be taken in relation to corporal punishment of children including prohibition in all settings. **Lesotho** also received a recommendation to prohibit in all settings, to properly enforce the existing ban in schools and to set up awareness-raising campaigns and programmes for parents, teachers and the wider public. The Committee welcomed prohibition in **Montenegro** but recommended that it is reinforced by including a definition of corporal punishment in legislation and putting in place effective implementation measures. To **Argentina** and **Norway**, which have also already achieved prohibition, the Committee recommended adequate monitoring and enforcement of the ban and the promotion of positive, non-violent and participatory forms of child discipline.

Committee Against Torture

At its 63rd session in April-May 2018, the Committee issued recommendations to

prohibit corporal punishment of children in all settings to **Belarus** and **Qatar**. To **Tajikistan**, who misleadingly declared corporal punishment of children was prohibited in domestic legislation, it recommended clear prohibition of all corporal punishment and the promotion of positive discipline.

Human Rights Committee

At its 122nd session in March/April 2018, the Committee expressed concern that the law in **El Salvador** allows for “moderate correction” of children and recommended that it take practical measures, including legislative measures, to end corporal punishment in all settings.

Committee on Economic, Social and Cultural Rights

In its concluding observations on **Central African Republic**, adopted at its 63rd session in March 2018, the Committee expressed concern that the Family Code authorises corporal punishment in the family and recommended that the Government explicitly prohibit it in all settings.

Committee on the Rights of Persons with Disabilities

At its 19th session in February/March 2018, the Committee adopted General Comment No. 6 (2018) on “Article 5: Equality and non-discrimination” which reiterates the obligation on states to “prohibit all forms of corporal punishment and cruel, inhuman and degrading treatment of children, in all settings, and ensure appropriate measures are taken to enforce this ban”. Following its examination of states, the Committee recommended reforming domestic legislation to explicitly prohibit corporal punishment in all settings to **Haiti, Oman, Seychelles, Sudan** - and also to **Slovenia**, where prohibition was in fact enacted in 2016.

Committee on the Elimination of Discrimination Against Women

At its 69th session in February/March 2018, the Committee recommended that **Malaysia** prohibit whipping under all circumstances and judicial systems, after Malaysia defended the legality of judicial corporal punishment under Shari’a law as tool to “educate” the offender. To **Saudi Arabia** the Committee expressed concern at the frequent use of violence by male “guardians” to discipline women and children, and recommended the repeal of all provisions allowing this practice to legally continue. To **Suriname**, it recommended explicit prohibition of corporal punishment in all settings.

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

Concluding observations from the Committee's 29th session in May 2017 have been published: all states examined – **Chad, Comoros, Côte d'Ivoire**, and the **United Republic of Tanzania** – received recommendations to prohibit corporal punishment in all settings.

Universal Periodic Review outcomes

At the 30th session of the Universal Periodic Review in May 2018, **Cameroon, Canada, Cuba, Djibouti**, the **Russian Federation**, and **Tuvalu** all received recommendations to prohibit all corporal punishment of children, and are due to respond before the Human Rights Council's 39th session in September 2018. **Bangladesh** renewed its commitment to enacting prohibition by supporting several recommendations to do so. **Uzbekistan** also supported a recommendation to prohibit corporal punishment of children – we are seeking confirmation that the Government is committed to enacting full prohibition of corporal punishment. **Azerbaijan** and **Burkina Faso** supported some recommendations on corporal punishment, but postponed their responses to others. **Colombia** “noted” recommendations to prohibit corporal punishment of children in all settings. **Cabo Verde**, which achieved prohibition in 2013, received recommendations on the implementation of the ban and will respond by September 2018.

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“There are so many positive ways to educate children and bring them up as humans with equal value, equipped with self-esteem and resilience to cope with day to day life. Member States where corporal punishment is prohibited have proven that children can be raised and educated well nevertheless – or in fact because of it! Let's push hard to get rid of this most common form of violence against children whenever, wherever, by whomsoever!”

Renate Winter, Chair, UN Committee on the Rights of the Child, writing in "Working towards universal prohibition of corporal punishment: A special report for the high level global conference held by H.E. the President of Malta, May-June 2018"

