

Newsletter 41
September 2018



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

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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 news and developments

Nepal prohibits all corporal punishment of children!

The Parliament of Nepal has enacted the Act relating to Children 2018, which makes physical punishment a criminal offence and highlights children's right not to be subjected to corporal punishment (section 7(5), unofficial translation):

“Each child has a right to be protected against all types of physical or mental violence and punishment, neglect, inhumane behaviour, gender based or discriminatory abuse, sexual abuse and exploitation committed by his/her father, mother, other family members or guardian, teacher or any other person.”

This makes Nepal the 54th state worldwide – and the first state in South Asia – to fully prohibit all corporal punishment of children. The Global Initiative welcomes this reform and calls on the rest of the region to similarly grant children equal protection from all assault. [Read more](#).

Guyana prohibits corporal punishment of children in the penal system

The Juvenile Justice Act 2018 was enacted in June 2018. Corporal punishment is not included as a possible sentence for a crime, and Article 92 explicitly prohibits its use in penal institutions: “(3) *The following forms of discipline are prohibited – (a) corporal punishment or any other form of physical violence; ... (c) treatment that is cruel, inhuman or degrading...*”

The Global Initiative welcomes this progress which reduces to 33 the number of [states where judicial corporal punishment is still lawful for child offenders](#) and calls on the Government of Guyana to enact full prohibition of all corporal punishment, including in the home. For more information, see our country report on [Guyana](#).

UAE commits to prohibiting all corporal punishment of children

During the 38th session of the Human Rights Council, the United Arab Emirates supported recommendations made during its Universal Periodic Review to prohibit corporal punishment in all settings, making a clear commitment to enacting law reform. Earlier in 2018, UAE became a “Pathfinding country” under the Global Partnership to End Violence Against Children, committing to three to five years of accelerated action to end all violence against children (Target 16.2 of the Sustainable Development Goals). Read our [report on UAE](#).

Charities launch new Compact to help end orphanages worldwide

The Global Initiative has joined an NGO alliance, including Hope and Homes for Children, Lumos and Save the Children, who have come together to echo the UK Government’s commitment and support to help end orphanages worldwide. A new ‘Civil Society Compact’ has also been launched, which sets out a pathway for change to help end the institutionalisation of children worldwide, especially those with disabilities who are most at risk. [Read more](#).

Guidance on implementing prohibition to be launched in November

As part of the [Non-violent Childhoods project](#), implemented by the Council of the Baltic Sea States with support from the Global Initiative, six reports providing detailed guidance on various aspects of implementing the ban on all corporal punishment of children will be launched at a conference in Stockholm, Sweden, on 15-16 November 2018. The reports include guidance on implementation in the

home in the best interests of the child, effective campaigning, parenting programmes, service provision and research to track progress. Registration for the conference is now open. [Read more and register your interest.](#)

George W Holden receives ISPCAN's Distinguished Career Award

At the ISPCAN XII International Congress, held in Prague in September, George W Holden, founder of the [US Alliance to End the Hitting of Children](#), was recognised for his dedication and contribution to the field of child abuse and neglect.

Nominator Sue Foley said Dr Holden has "over a period of almost 40 years, dedicated his life as a psychologist, researcher and advocate to understanding and preventing child abuse" and that "his applied and concrete efforts to ban corporal punishment in the world, particularly in the US, are an inspiration to us all". The Global Initiative echoes these sentiments and congratulates Dr Holden on the recognition of his longstanding commitment to children.

African newsletter published in English and French

Read the latest round-up of news from across the continent in the Global Initiative's African newsletter, out now in [English](#) and [French](#), and sign up to [receive future editions](#).

Steps towards prohibition

Mexico: Legislation is under consideration to prohibit corporal punishment in the state of Quintana Roo; the Bill is in the Committee stage. Also, next week, Mexico's Sistema Nacional de Protección de Niñas, Niños y Adolescentes (SIPINNA) will hold a national law reform workshop with representatives from ten states, co-facilitated by the Global Initiative. The two-day event in Mexico City aims to strengthen the knowledge of state authorities in Mexico to advance the prohibition and elimination of corporal punishment in all settings.

Philippines: House Bill 516 and Senate Bill 1477 which aim to prohibit corporal punishment have completed the Committee stages ahead of the Second Reading. Both bills now need to be adopted in each house respectively, before being reconciled into a single version during a bicameral committee conference. The Constitution is also under review; the current draft prohibits the use of physical punishment against any prisoner or detainee.

Republic of Kosovo: Draft Law no.06/L-084 on Child Protection was introduced to

Parliament in June 2018. Article 37 of the draft law prohibits the use of corporal punishment “in any environment at home and families, educational institutions, care institutions, law enforcement and justice systems, working environments and community”. As of August 2018, the draft Law was being reviewed in Committee.

South Africa: The draft Children’s Third Amendment Bill - which includes prohibition of corporal punishment in the home - was [published](#) and opened for comment. The Global Initiative [submitted comments on the Bill](#) before the 7 September deadline, which were endorsed by our national partners Save the Children South Africa, The Peace Centre and Sonke Gender Justice. Read more about South Africa's progress towards prohibition in our [country report](#).

UK (Scotland): On 7 September 2018, John Finnie MSP introduced to Scottish Parliament the Children (Equal Protection from Assault) (Scotland) Bill which aims to remove the defence of ‘justifiable assault’ of children in Scotland. The Scottish Government has reiterated its support for the Bill following a public consultation which found almost 75% support for the change.

Other positive news

UK (Wales): A summary of responses to the Welsh Government consultation about its plans to remove the defence of reasonable punishment was [published in August](#). The consultation, which ran from January to April this year and received over 1,890 responses, found just over half of respondents (50.3%) agreed and 48.1% disagreed that the change will achieve the aim of protecting children’s rights. The Welsh Government said they "are committed to introducing legislation to remove the defence of reasonable punishment” and will do so “in year three of the legislative programme (between September 2018 and July 2019)."

Guinea: In June, in collaboration with the General Secretariat for Religious Affairs and with the financial and technical support of Save the Children West and Central Africa Regional Office, the Child rights coalition COLTE / CDE organised a Forum on violence against children involving religious leaders, opinion leaders and traditional communicators on child abuse. The Forum recommended increased sensitisation on the negative impact of violence against children, including corporal punishment, through sermons delivered in Muslim and Christian places of worship.

Kenya: Education Cabinet Secretary Amina Mohammad announced that the Government has no intention of changing the law to reintroduce corporal punishment in schools, after a number of MPs demanded the reintroduction of

corporal punishment claiming that it would restore order in Kenyan schools.

Sri Lanka: A new campaign to end corporal punishment in schools by 2020 was launched in September. Bringing together an alliance of NGOs, academics and prominent individuals, the campaign seeks clear prohibition in law, the elimination of violent and humiliating punishment in education, and the establishment of Child Protection Officers in every school. A media conference and march took place at the end of September, and a petition was delivered to the President. A conference is planned for 18 November. [Join the campaign](#).

But...

Botswana: The Botswana Sectors of Educators Trade Union (BOSETU) proposed a motion calling for the abolition of corporal punishment in schools, challenging the effectiveness of corporal punishment as a disciplinary measure and noting that such punishments have proved detrimental to the health of students and safety of teachers. BOSATU delegates, however, unanimously rejected the motion, claiming it is still effective as a disciplinary measure.

Samoa: School corporal punishment is prohibited in Samoa under the Education Act 2009, but draft legislation was introduced in June 2018 which seeks to allow the use of "reasonable force" in schools. We have not yet been able to examine the text, but the move has been strongly condemned by Justice Vui Clarence Nelson, member of the UN Committee on the Rights of the Child and Maiava Iulai Toma, head of Samoa's National Human Rights Institution.

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Advocacy resources

****New resources from the Global Initiative****

Answers to frequently asked questions published in two more languages

Our flagship series of booklets published with Save the Children Sweden answers common questions about prohibiting all corporal punishment of children: does

corporal punishment really hurt? Will banning its use criminalise more parents?

Already available in

[English](#), [Albanian](#), [Arabic](#), [Bengali](#), [French](#), [Hungarian](#), [Mandarin](#), [Russian](#) and [Spanish](#), the booklets have now been launched in [Portuguese](#) and [Thai](#).

Look out for more languages, including Japanese, Lithuanian and Vietnamese, coming soon. And if you are interested in translating the booklets into your language, contact info@endcorporalpunishment.org.



Other resources to support advocacy

[World Health Organisation European status report on preventing child](#)

[maltreatment](#): Documenting progress by Member States in implementing the WHO European child maltreatment prevention action plan 2015–2020 at its midpoint, this report highlights that only six out of 10 countries have comprehensive laws banning corporal punishment in all settings and calls on the remaining four states to enact full prohibition. It also says 24% of countries with a ban on corporal punishment do not fully enforce the legislation.

[The strength of the causal evidence against physical punishment of children and its implications for parents, psychologists, and policymakers](#): In this article, published in *American Psychologist*, the authors summarise the extent to which the empirical research on physical punishment meets accepted criteria for causal inference. The strength and consistency of the links between physical punishment and detrimental child outcomes lead the authors to recommend that parents should avoid physical punishment, psychologists should advise and advocate against it, and policymakers should develop means of educating the public about the harms of and alternatives to physical punishment.

Madagascar: According to the first [study on violence against children in Madagascar](#), which involved 2,523 respondents, including children aged 15-17, half of all Malagasy children reported experiencing violence at school, and nine children out of ten have been beaten by a family member. The study also found 65% of respondents considered corporal punishment at home to be acceptable.

South Africa: [The 2017 General Household Survey](#) revealed that corporal punishment is still administered in South African schools. Corporal punishment was most common in schools in the provinces of Eastern Cape (13%), in the Free State (13%) and KwaZulu-Natal (10%). Overall, the percentage of learners that have reportedly experienced corporal punishment at school has dropped from 17% in 2009 to 7% in 2017.

[A longitudinal perspective on violence in the lives of South African children](#) found that more than half of all children involved were reported to have been exposed to violence in their home. Almost half of preschool children were reported to have been victims of violence, most often through physical punishment by parents. The study recommends effective and sustainable interventions to address violence as a major public health problem.

UK (Wales): [Findings from research conducted in 2017](#) with parents of children up to age six about their attitudes towards managing young children's behaviour shows the majority of parents (81%) disagree that "it is sometimes necessary to smack a naughty child" and only 11% agree. The equivalent question in 2015 found 71% disagreed, 25% agreed. Just under a third (31%) of parents now say they may smack a child under certain circumstances. Within this, only 5% say they are comfortable with the idea and would do it when necessary.

Uganda: The first [Violence Against Children Survey \(VACS\)](#) conducted in 2015, involving 5,804 children and young people aged 13-24, reveals that corporal punishment is still the preferred means of discipline in many Ugandan homes. The study recommends the use of positive discipline by parents and caregivers. It also recommends parental support programs that encourage family members to break the silence and refer children to relevant services when cases of violence are reported.

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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.

Human Rights Committee

At its 123rd session in July 2018, the Human Rights Committee examined **Liberia** and expressed concern that corporal punishment was not prohibited in all settings, recommending that Liberia take “practical steps, including through legislative measures, where appropriate, to put an end to corporal punishment in all settings.” The Committee also welcomed **Lithuania's** prohibition of all corporal punishment enacted in 2017.

Committee Against Torture

At its 64th session in July/August 2018, the Committee Against Torture mistakenly welcomed **Mauritania's** Child Protection Code 2017 as having prohibited all corporal punishment of children, as Mauritania's state report had reported as such – in fact there is no explicit prohibition in the Code. The Committee also expressed concern at the legality of judicial corporal punishment and recommended that it is clearly repealed from the Criminal Code, including under religious law. To **Seychelles**, the Committee recommended the explicit prohibition of corporal punishment in all settings and the explicit repeal of the right to inflict “reasonable chastisement” under the Children Act 1982.

Universal Periodic Review outcomes

During its 38th session, the Human Rights Council adopted the final working group reports of the Universal Periodic Review's 29th session. Both **Serbia** and the **United Arab Emirates** supported clear recommendations to prohibit corporal punishment in all settings, with UAE committing for the first time to enacting law reform. **Barbados** gave a mixed response to recommendations to prohibit corporal punishment, supporting some and noting others. **Burundi** supported a recommendation to “take legislative measures to put an end to corporal punishment in all settings”. **France** partially supported several recommendations to prohibit in all settings, declaring that for parents who have used corporal punishment, “it is not a solution to send them in front of a judge”. The **Bahamas**

noted two recommendations to prohibit corporal punishment of children in all settings.

The Human Rights Council held its 39th session in September 2018 and adopted the final outcomes of UPR 30. **Djibouti** and the **Russian Federation** supported recommendations on the prohibition and elimination of corporal punishment, and **Azerbaijan** supported recommendations to enact the Draft Law on Protection of Children Against All Forms of Corporal Punishment. **Burkina Faso, Cameroon, Canada, Cuba** and **Tuvalu** all noted clear recommendations to prohibit all corporal punishment. **Cabo Verde** supported recommendations on the implementation of the 2013 ban and the elimination of corporal punishment.

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Please note that the Global Initiative to End All Corporal Punishment of Children, previously administered by the Association for the Protection of All Children (APPROACH) Ltd., is now a standalone company and charity. We are registered in England and Wales company number 2354395, charity number 328132.

