

Committee on the Rights of the Child

Day of General Discussion

Friday, 28 September 2001 – OHCHR (Palais Wilson, Geneva)

Violence Against Children within the Family and in Schools

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

**COMMITTEE ON THE RIGHTS OF THE CHILD
DAY OF GENERAL DISCUSSION 28 SEPTEMBER 2001 - GENEVA
VIOLENCE AGAINST CHILDREN WITHIN THE FAMILY AND IN
SCHOOLS**

**Submission from the Global Initiative to End All Corporal Punishment of
Children from its Joint Co-ordinators:**

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In relation to States' obligations to protect children from violence, the Convention could not use clearer language. States must protect all children from "all forms of physical or mental violence" (article 19) while in the care of parents and others.

The Committee has been forthright in promoting this clear standard, together with the general principles in the Convention and other provisions which focus on particular forms of violence and exploitation, to States in all continents. States' active obligations to protect children do not stop at the door of the family home nor at the school gates. While the state is not directly responsible for the violent acts of individual parents or teachers, it is responsible for taking legal, administrative, social and educational measures to provide effective protection, including deterrence.

The reason why ending violent and humiliating forms of discipline is so important to children and so key to the prevention of all forms of violence is that, unlike other forms of violence, adults and governments still persist in defending these breaches of human rights and maintaining laws which condone, even encourage, violence.

Some commentators perceive corporal punishment as a relatively trivial issue, when compared with the extreme forms of physical and psychological violence still suffered by so many children. Some have been puzzled by the attention which the Committee has devoted to corporal punishment. But it is absolutely vital that the legality of any form of violence to children should be highlighted and condemned.

Ensuring children's right to physical integrity is fundamental to asserting their status as individual people with participation rights. In addition, there can be no serious hope of significantly reducing the extent of all forms of deliberate violence to children while a majority of states and their political leaders ignore fundamental human rights standards and condone deliberate hitting and humiliation of children.

Explicit legal prohibition of all corporal punishment, including in the family and in schools, is essential to provide a basis for effective child protection and for the promotion of positive, non-violent forms of discipline. Law reform alone will achieve little; it needs to be linked to public and in particular parent education. On the other hand, attempts to move parents and teachers on from using violent and humiliating discipline in a context in which laws still allow it and political and other leaders do not consistently condemn it are doomed to failure.

Some seek to use culture or religion to justify hitting and humiliating children. But as adults we cannot suddenly depart from the universal application of fundamental human rights principles – the right to respect for human dignity, for physical integrity and for the equal protection of the law – when we consider our relationships with children. Children are smaller and more vulnerable than adults. They plainly deserve more, rather than less, protection from being hit and humiliated.

No culture "owns" corporal punishment. All cultures have a responsibility to disown it, just as they have disowned other breaches of human rights which have been traditional practices. Similarly, people are entitled to religious freedom so long as it does not infringe the human rights of others. Leading churches throughout the world have been confronted in recent years with the existence of physical and sexual abuse in institutions they maintain for children. Church leaders should now be in the forefront of campaigns to prohibit and end all violence to children.

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The Committee must be warmly congratulated for the leading role it is playing in promoting children's right to protection from all forms of violence.

Recommendations

We urge the Committee, in adopting recommendations at the conclusion of its second day of General Discussion on Violence against Children -

- to confirm the fundamental importance of eliminating all corporal punishment and humiliating treatment of children, through legal reform and public education, as a key strategy for challenging all forms of violence against children;
- to urge all States Parties -
 - ⇒ urgently to review legislation to ensure the effective prohibition of all corporal punishment, however light;
 - ⇒ to ensure that children are aware of their rights;
 - ⇒ where corporal punishment is prohibited, to ensure effective enforcement including the provision of advice, advocacy and independent complaints procedures for children;
 - ⇒ to develop comprehensive public education to promote positive, non-violent forms of discipline.
- to recommend that:
 - ⇒ all relevant human rights Treaty Bodies should condemn any continued legality of corporal punishment and other humiliating forms of discipline, through, for instance, General Comments and Concluding Observations on State reports;
 - ⇒ the Office of the High Commissioner for Human Rights should continue to monitor violations in this field and provide technical assistance to States concerning legal reform and education programmes to end corporal punishment. Special Rapporteurs concerned with issues of violence and human rights should emphasise the relevance to their mandates of reforms to end all corporal punishment of children.
 - ⇒ UNICEF, consistent with its mission and with the interpretation of the Convention on the Rights of the Child by the Committee on the Rights of the Child, should promote legal reform and education programmes to end all corporal punishment as a prioritised implementation strategy to be integrated with other child development strategies;
 - ⇒ the World Health Organisation, consistent with its mandate and resolution on the elimination of violence against women and children, should advocate for legal reform and education programmes to end all corporal punishment of children.
 - ⇒ all other relevant United Nations and international agencies should be urged to promote elimination of corporal punishment in relation to their mandates; for example, in relation to ending violence against women,

crime prevention and the protection of refugees, minorities and other particular groups of children.

We hope that the Committee, building on the conclusions and recommendations arising from these two days of General Discussion, will issue a General Comment aiming to accelerate global progress towards protecting children effectively from all forms of violence.

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The **Global Initiative to End All Corporal Punishment of Children**, which was launched in Geneva in April 2001, aims to:

- ❑ launch a wide information and education campaign to promote non-violent ways of caring for children;
- ❑ forge a strong alliance of human rights agencies, key individuals and international and national non-governmental organisations against corporal punishment;
- ❑ make corporal punishment of children visible by building a global map of its prevalence and legal status, ensuring that children's views are heard and charting progress towards ending it;
- ❑ lobby governments systematically to ban all forms of violence including corporal punishment and to develop public education programmes
- ❑ provide detailed technical assistance to support states with these reforms.

The Global Initiative is supported by members of the Committee on the Rights of the Child, UNICEF, the High Commissioner for Human Rights and by a growing list of INGOs and NGOs and individual human rights activists.

Visit the Global Initiative website at

www.endcorporalpunishment.org

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