**BRIEFING FROM GLOBAL INITIATIVE**

**TO END ALL CORPORAL PUNISHMENT OF CHILDREN**

**BRIEFING FOR THE COMMITTEE ON THE RIGHTS OF THE CHILD**

**PRE-SESSIONAL WORKING GROUP – October 2011**

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**COOK ISLANDS (initial report – CRC/C/COK/1)**

**Corporal punishment in the home**

Corporal punishment is lawful in the home. Article 61 of the Crimes Act (1969) states: “(1) Every parent or person in the place of a parent, and every schoolmaster, is justified in using force by way of correction towards any child or pupil under his care, if the force used is reasonable in the circumstances. (2) The reasonableness of the force used is a question of fact.”

**Corporal punishment outside the home**

Corporal punishment is prohibited in **schools** in article 63 of the Education Act (2009): “A person who is at an educational institution must not – (a) verbally abuse any student who is attending the educational institution; or (b) use force, by way of correction or punishment, against any student who is attending the educational institution.”

In the **penal system**, corporal punishment is unlawful as a sentence for crime. The Constitution states that no person shall be subject to “cruel and unusual treatment or punishment” (article 65), and there is no provision for corporal punishment in the Prevention of Juvenile Crime Act (1968) or the Criminal Justice Act (1967). But there is no explicit prohibition of corporal punishment or as a disciplinary measure in penal institutions, and article 61 of the Crimes Act applies (see above).

Corporal punishment is lawful in **alternative care settings** under article 61 of the Crimes Act (see above).

**This is the first examination of the implementation of the Convention in the Cook Islands by the Committee on the Rights of the Child. In light of the Committee’s General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment” and the importance of eradicating this form of violence given by the UN Secretary General’s Study on Violence against Children, we hope the Committee will raise the issue in its List of Issues for the Cook Islands, in particular asking what measures have been taken to progress towards prohibition of corporal punishment in all settings. We hope the Committee will subsequently recommend that corporal punishment is prohibited in all settings, including through the repeal of article 61 of the Crimes Act, and to support law reform with relevant public awareness raising and education.**

*Briefing prepared by the Global Initiative to End All Corporal Punishment of Children*

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