



BRIEFING

ATHENS
SEPTEMBER 2006

UN SETS 2009 TARGET FOR UNIVERSAL PROHIBITION

The Report of the United Nations Secretary General's Study on Violence against Children, to be presented to the UN General Assembly on October 11, recommends prohibition of all forms of violence including all corporal punishment – and sets 2009 as the deadline.

COMMITTEE ON THE RIGHTS OF THE CHILD ISSUES GENERAL COMMENT CONFIRMING STATES' OBLIGATIONS

In June 2006 the Committee adopted a detailed General Comment to highlight the obligation of all States parties to move quickly to prohibit and eliminate all corporal punishment and all other cruel or degrading forms of punishment of children – [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.GC.8.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.GC.8.En?OpenDocument)

CORPORAL PUNISHMENT FREE ZONE FOR CHILDREN IS COUNCIL OF EUROPE'S TARGET

The Council's new three year programme, *Building a Europe with and for children*, 2006 – 2009, includes among its aims speeding prohibition and elimination of corporal punishment across the 46 member states.

BUT...

...only 14 of the 46 member states have achieved full prohibition, plus Italy by Supreme Court decision; only seven more have so far committed themselves to reform. This leaves more than 20 states – including many with ENOC member institutions – still denying children equal protection from assault – see chart. And in many of these states, prohibition of all corporal punishment in all institutions and forms of alternative care is not complete. In a few states, school corporal punishment is still not explicitly prohibited in legislation, with effective enforcement.

ENOC adopted a position statement in 2000 urging all European governments to introduce legislation prohibiting all corporal punishment. This is the moment for children's ombudspople in states which have not yet taken this step to lobby their governments hard to fulfil their clear human rights obligations to children and adopt this inevitable reform.

ENOC collectively should support the 2009 deadline.

Report of Independent Expert Paulo Sérgio Pinheiro, submitted to UN General Assembly October 2006 - introduction

“In every region, in contradiction to human rights obligations and children’s developmental needs, violence against children is socially approved, and is frequently legal and State-authorized.

“The Study should mark a turning point – an end to adult justification of violence against children, whether accepted as ‘tradition’ or disguised as ‘discipline’. There can be no compromise in challenging violence against children. Children’s uniqueness – their potential and vulnerability, their dependence on adults – makes it imperative that they have more, not less, protection from violence.”

Thomas Hammarberg, Human Rights Commissioner, Council of Europe, Issue Paper 2006/1, “Children and corporal punishment: the right not to be hit – a children’s right also”

“The invention of disreputable legal concepts such as ‘reasonable chastisement’ and ‘lawful correction’ arises from the perception of children as the property of their parents. This is the modern equivalent of laws in force a century or two ago allowing masters to beat their slaves or servants, and husbands to beat their wives. Such ‘rights’ are based on the power of the stronger over the weaker and are upheld by means of violence and humiliation.

“Children have had to wait until last to be given equal legal protection from deliberate assaults – a protection the rest of us take for granted. It is extraordinary that children, whose developmental state and small size is acknowledged to make them particularly vulnerable to physical and psychological injury, should be singled out for less protection from assaults on their fragile bodies, minds and dignity.”

Parliamentary Assembly recommendation 1666/2004, Europe-wide ban on corporal punishment of children

“The Assembly considers that any corporal punishment of children is in breach of their fundamental rights to human dignity and physical integrity. The fact that such corporal punishment is still lawful in certain member states violates their equally fundamental right to the same legal protection as adults. Striking a human being is prohibited in European society and children are human beings. The social and legal acceptance of corporal punishment must be ended.”

Global Initiative to End All Corporal Punishment of Children

The Global Initiative was launched in 2001. It is supported by UNICEF, UNESCO, former High Commissioners for Human Rights, members of the Committee on the Rights of the Child, the Parliamentary Assembly and Human Rights Commissioner of the Council of Europe and by national human rights institutions and children’s rights NGOs (for statement of aims and full list of supporters, see www.endcorporalpunishment.org). The website includes a report on the status of corporal punishment in every state in the world.

Please keep us updated with any developments in your state. If you want further information about the human rights developments in Europe, or to discuss strategies for promoting prohibition, please contact Peter Newell:

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