



ENDING LEGALISED VIOLENCE AGAINST CHILDREN

BRIEFING: BUILDING A EUROPE FOR AND WITH CHILDREN, MONACO APRIL 4–5 2006

At last, societies are recognising children's right to equal protection from being hit and humiliated. Hitting people is wrong – and children are people too. Corporal punishment of children breaches their fundamental rights to respect for their human dignity and physical integrity. Its legality breaches their right to equal protection under the law.

These rights are upheld for everyone – including children – in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The Convention on the Rights of the Child (CRC) re-emphasises that children, too, are holders of human rights. The Convention requires states to protect children from “all forms of physical or mental violence” while in the care of parents or others (article 19).

The Committee on the Rights of the Child – the monitoring treaty body for the CRC – consistently interprets the Convention as requiring prohibition of all corporal punishment, including in the family, linked to awareness-raising and public education.

States' human rights obligations to end all currently legalised violence against children are clear and immediate; there can be no justification for delay. Humanity and logic suggest that children should be the first, not the last, members of human societies to be effectively protected from assault and deliberate humiliation.

Hitting children is a lesson in bad behaviour; it teaches them that adults who demand their respect believe that violence is a legitimate way to sort out conflicts or impose authority.



GLOBAL PROGRESS

All nine of the Regional Consultations held in 2005 for the UN Secretary General's Study on Violence against Children recommended prohibition of all corporal punishment.



Professor Paulo Pinheiro, the Independent Expert appointed by UN Secretary General Kofi Annan to lead the Study, has identified the prohibition and elimination of all corporal punishment as a key aim: “It is sad and ironic that children, the most vulnerable of people, should have had to wait until last for this basic protection. There is nothing ‘reasonable’ about hitting children and it cannot remain lawful. We cannot draw lines and try and define acceptable ways of hitting children. There can be no compromise, any more than we compromise in challenging all violence against women.”

17 states have prohibited all corporal punishment, including in the family
... But 98% of the world's children are not protected in the home.

100 states have prohibited all school corporal punishment
... But 57% of the world's children are not protected at school.

97 states have prohibited corporal punishment in their penal systems for young offenders
... But 57% of the world's children are not protected in the penal system.

For state-by-state and regional analysis of the legality and prevalence of corporal punishment...

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COUNCIL OF EUROPE AIMS FOR CORPORAL PUNISHMENT-FREE EUROPE

More than a third of the 46 Council of Europe member-states have prohibited all corporal punishment, including in the family, and at least six more states are on the way.

In 2004 the Parliamentary Assembly of the Council called for action to make Europe a corporal punishment free zone for children. Recommendation 1666 calls for a “coordinated and concerted campaign in all the member states for the total abolition of 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 of children must be ended.”

“The Committee does not find it acceptable that a society which prohibits any form of physical violence between adults would accept that adults subject children to physical violence.”

European Committee of Social Rights, general observation, 2001

The European Committee of Social Rights has told many European states that they must prohibit all corporal punishment in order to comply with the European Social Charter and the Revised Social Charter.

Judgments of the European Court of Human Rights have successively condemned corporal punishment of children in penal systems, schools and most recently in the home; other decisions have emphasised that banning corporal punishment does not breach family privacy or religious rights.

The European Network of Ombudspersons for Children – ENOC – adopted a position statement in 2000 urging all European governments to introduce legislation prohibiting all corporal punishment.

“Hitting children is disrespectful and dangerous. Children deserve at least the same protection from violence that we as adults take for granted for ourselves.”

ENOC position statement, 2000

GLOBAL INITIATIVE TO END ALL CORPORAL PUNISHMENT OF CHILDREN

The Global Initiative was launched during the Commission on Human Rights in Geneva in 2001. It aims to act as a catalyst to encourage more action and progress towards ending all corporal punishment in all continents; to encourage governments and other organisations to “own” the issue and work actively on it; to support national campaigns with relevant information and assistance. The context for all its work is implementation of the Convention on the Rights of the Child.

Supporters of the aims of the Global Initiative include UNICEF, UNESCO, members of the Committee on the Rights of the Child, human rights institutions, NGOs and professional organisations. Individuals supporting the aims include Archbishop Desmond Tutu, Mary Robinson and Thomas Hammarberg (co-founder of the Global Initiative and newly elected Human Rights Commissioner for the Council of Europe).

“Many citizens and politicians express deep concern about increasing violence in their societies.

The credibility of this concern is questionable as long as they are not willing to seriously and systematically address the use of violence against children. And nobody should suggest that a little bit of violence is acceptable. That applies equally for adults and children.”

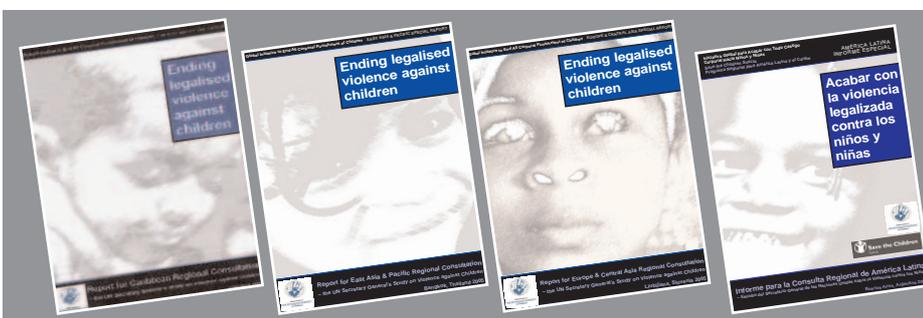
Jaap E. Doek, Chairperson, Committee on the Rights of the Child, 2004

ABOLITION SPREADS ACROSS EUROPE

At least 14 member-states have explicitly prohibited all corporal punishment in legislation: Sweden (1979); Finland (1983); Norway (1987); Austria (1989); Cyprus (1994); Denmark (1997); Latvia (1998); Croatia (1999); Germany (2000); Bulgaria (2000), Iceland (2003); Romania (2004); Ukraine (2004), Hungary (2004). Supreme Court decisions have declared all corporal punishment to be unlawful in Portugal (1994) and Italy (1996). These judgments have not yet been reflected in legislation.

“For the Council of Europe, children are not mini-persons with mini-rights, mini-feelings and mini-human dignity. They are vulnerable human beings with full rights which require more, not less protection. It is therefore absolutely unacceptable that when it comes to the protection of their physical and psychological integrity, they should be worse off than adults.”

Maud de Boer-Buquicchio, Deputy Secretary General of the Council of Europe, Berlin conference “Raising children without violence”, 2005



“Ending legalised violence against children” reports - produced by the Global Initiative for each Regional Consultation of the UN Study on Violence against Children - available at www.endcorporalpunishment.org