

GLOBAL INITIATIVE
TO END ALL CORPORAL PUNISHMENT OF CHILDREN

**SUGGESTED QUESTIONS FOR LISTS OF ISSUES BEING PREPARED BY THE PSWG OF
THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN –
STATES TO BE EXAMINED AT 42ND SESSION (OCTOBER 2008)**

From Peter Newell, Coordinator, Global Initiative

info@endcorporalpunishment.org

BELGIUM (sixth report – CEDAW/C/BEL/6)

The state party report documents extensive efforts towards combating violence against women, but there is no mention of the violence that may lawfully be inflicted on girls in the guise of “discipline”, both in the home and, in some communities, in children’s institutions and foster care. Neither is there any mention of a proposed amendment to the Civil Code which would reportedly have prohibited all corporal punishment and which in 2005 was pending before the Senate. **In light of the repeated recommendations by the Committee on the Rights of the Child that the state party prohibit corporal punishment of children in the home (CRC/C/15/Add.178 (2002), Concluding observations on second report, paras. 23 and 24, and CRC/C/15/Add.38 (1995), Concluding observations on initial report, para. 15).** what progress has been made in ensuring that corporal punishment of girls is explicitly prohibited in all settings?

CAMEROON (third report – CEDAW/C/CMR/3)

The state party report states that “Men justify their acts of physical violence by invoking their recognized right to administer corporal punishment” (page 22), but there is no mention of the legalised violence that may be inflicted on girls in the name of “discipline” in the home and alternative care settings. **In light of the concerns expressed in 2001 by the Committee on the Rights of the Child about abuse within the family and in schools and the recommendation to monitor and enforce the ban on corporal punishment in schools (CRC/C/15/Add.164, Concluding observations on initial report, paras. 40, 41, 54 and 55),** what progress has been made in ensuring that corporal punishment of girls is explicitly prohibited in all settings?

ECUADOR (seventh report – CEDAW/C/ECU/7)

The state party report states that article 2 of the Violence against Women and the Family Act defines domestic violence as “any action or omission that consists of physical, psychological or sexual abuse carried out by a family member against women or other family members” and that 94% of victims are women and girls (para. 52), but there is no mention of the legalised violence that may be inflicted on girls in the home and in some alternative care settings in the name of “discipline”, and of the public humiliation and beatings that they may be subjected to under “traditional” forms of justice in indigenous communities. **In light of the recommendation by the Committee on the Rights of the Child in 2005 that corporal punishment be explicitly prohibited in (CRC/C/15/Add.262, Concluding observations on second and third report, paras. 37 and 38),** what progress has been made in ensuring that corporal punishment of girls is explicitly prohibited in all settings?

EL SALVADOR (seventh report – CEDAW/C/SLV/7)

The state party report describes extensive measures to address the problem of domestic violence, including against minors, but there is no recognition of the violence that may be inflicted on girls in the family home in the name of “discipline”, legalised under the duty of parents to “appropriately and moderately correct their children” in the Family Code (article 215). **In light of the recommendation in 2004 by the Committee on the Rights of the Child to ensure the prohibition of corporal punishment (CRC/C/15/Add.232, Concluding observations on second report, paras. 43 and 44), what progress has been made to ensure all corporal punishment of girls is explicitly prohibited?**

KYRGYZSTAN (third report – CEDAW/C/KGZ/3)

The state party report describes efforts to address violence against women but does not mention the legalised violence girls may be subjected to in the name of “discipline” in the home and in foster care and other childcare settings. **In light of the repeated recommendations by the Committee on the Rights of the Child to prohibit corporal punishment in the home and other settings (CRC/C/15/Add.127 (2000), Concluding observations on initial report, para. 40, and CRC/C/15/Add.244 (2004), Concluding observations on second report, paras. 43 and 44), what progress has been made to ensure corporal punishment of girls is prohibited in all settings?**

MONGOLIA (fifth/sixth/seventh report – CEDAW/C/MNG/7)

The state party report describes extensive efforts to address domestic violence but does not refer to the legalised violence that may be inflicted on girls in the name of “discipline” in the home and in alternative care settings. **In light of the recommendation in 2005 by the Committee on the Rights of the Child that the state party prohibit corporal punishment of children in the home (CRC/C/15/Add.263, Concluding observations on second report, para. 29), what progress has been made to ensure that corporal punishment of girls is explicitly prohibited in all settings?**

PORTUGAL (sixth report – CEDAW/C/PRT/6)

The state party report describes legislative and other measures addressing domestic violence but does not refer to the violence experienced by girls within the family in the name of “discipline”, which the state party prohibited by law in 2007. **What measures have been taken by the state party to raise awareness and support implementation of the prohibition of corporal punishment by parents and carers?**

SLOVENIA (fourth report – CEDAW/C/SVN/4)

The state party report describes legislative and other efforts to address violence in the family, including against children, but makes no mention of the legalised violence that may be inflicted on girls in the name of “discipline” in the home and in foster care. Neither does it refer to the draft Family Act which would reportedly have prohibited corporal punishment in the family and which was under discussion in January 2007. **In light of the recommendation in 2004 by the Committee on the Rights of the Child that the state party prohibit corporal punishment in the home (CRC/C/15/Add.230, Concluding observations on second report, paras. 40 and 41), and the repeated findings of the European Committee of Social Rights that the state party is not in conformity with article 17 of the Revised Social Charter (Conclusions 2005, Conclusions 2003), what progress has been made to ensure that corporal punishment of girls is explicitly prohibited in all settings?**

MYANMAR (third report – CEDAW/C/MMR/3)

The state party report describes measures to combat violence against women but makes no mention of the violence which may lawfully be inflicted on girls in the name of “discipline” in the home, schools, penal institutions and alternative care settings under article 66 of the Child Law, which provides for “admonition by a parent, teacher, or other person having the right to control the child”. **In light of the recommendation in 2004 by the Committee on the Rights of the Child explicitly prohibit all corporal punishment of children by repealing article 66 of the Child Law (CRC/C/15/Add.237, Concluding observations on second report, paras. 38 and 39), what progress has been made to ensure that corporal punishment of girls is explicitly prohibited in all settings?**

URUGUAY (seventh report – CEDAW/C/UR/7)

The report describes legislative and other measures taken to address domestic violence but makes no mention of the violence experienced by girls within the family in the name of “discipline”, which the state party prohibited by law in 2007 (to come into force February 2008). **What measures have been taken, and are planned, by the state party to raise awareness and support implementation of the prohibition of corporal punishment by parents and carers?**

CANADA (seventh report – CEDAW/C/CAN/7)

The state party report describes legislative and other measures being taken in states and territories to address violence against women and girls. However, it does not discuss the legalised violence that girls may be subjected to in the family home and in some alternative care settings in the name of “discipline” under section 43 of the Criminal Code, which provides for the use of force “by way of correction”. It does not refer to the Supreme Court judgment of 30 January 2004 which ruled that parental corporal punishment of children aged 2-12 is lawful, the bills which would repeal section 43 that have repeatedly been put before the Senate (currently Bill S-209), and the recommendation by the Standing Senate Committee on Human Rights that the defence be repealed by 2009. **In light of the repeated recommendations by the Committee on the Rights of the Child that corporal punishment be explicitly prohibited in the home and schools, including by repealing section 43 (CRC/C/15/Add.215 (2003), Concluding observations on second report, paras. 32, 33 and 45; and CRC/C/15/Add.37 (1995), Concluding observations on initial report, paras. 14 and 25), what progress has been made to ensure that girls benefit from explicit prohibition of corporal punishment in all settings?**