

**BRIEFING FROM THE GLOBAL INITIATIVE  
TO END ALL CORPORAL PUNISHMENT OF CHILDREN**

**BRIEFING ON MONTENEGRO FOR THE COMMITTEE ON THE ELIMINATION OF  
DISCRIMINATION AGAINST WOMEN  
PRESESSIONAL WORKING GROUP – January/February 2011**

*From Peter Newell, Coordinator, Global Initiative*

[info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)

**The human rights obligation to prohibit corporal punishment of girls and boys**

The legality and practice of corporal punishment of girls breaches their fundamental rights to respect for their human dignity and physical integrity, to equality under the law and to protection from all forms of violence – rights guaranteed in the Convention on the Elimination of All Forms of Discrimination Against Women and other international human rights instruments. There are strong links between corporal punishment of children – girls and boys – and all other forms of violence, including gender-based violence: as the Committee on the Rights of the Child emphasised in its General Comment No. 8 (2006),<sup>1</sup> addressing corporal punishment is “a key strategy for reducing and preventing all form of violence in societies”. This briefing describes the legality of corporal punishment of children in Montenegro and urges the Committee on the Elimination of Discrimination Against Women to include the issue in its examination of the state party’s implementation of the Convention.

**Corporal punishment of children in Montenegro**

In Montenegro, corporal punishment of children is lawful in the home and in alternative care settings. The state party report to the Committee on the Elimination of Discrimination Against Women (CEDAW/C/MNE/1) suggests that corporal punishment of children is seen as undesirable, with references to physical punishment in the context of describing efforts to address violence against women and children (paras. 73 and 202). However, there is no reference to any legal reform to prohibit it.

Corporal punishment is lawful in the home – provisions against violence and abuse in the Penal Code (2004), the Family Act (2007), the Charter on Human and Minority Rights and Civil Liberties (2003) and the Law on Family Violence Protection (2010) are not interpreted as prohibiting all corporal punishment in childrearing. In 2008, the Deputy Minister of Justice Mr Lukas Redziniak signed the Council of Europe petition against all corporal punishment of children, but to our knowledge there have been no moves towards legal reform to prohibit it in the home or in alternative care settings.

According to statistics from UNICEF on violence in the family, 61% of children aged 2-14 experienced physical punishment and/or psychological aggression in 2005-2006. Disabled children were more likely to experience harsh discipline: 8% of disabled children aged 2-9 were hit on the face, head or ears, hit repeatedly or hit hard, compared with 6% of non-disabled children. Of girls and women aged 15-49, 11% think that a husband is justified in hitting or beating his wife under certain circumstances.<sup>2</sup>

---

<sup>1</sup> General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment” is available at [www2.ohchr.org/english/bodies/crc/comments.htm](http://www2.ohchr.org/english/bodies/crc/comments.htm).

<sup>2</sup> UNICEF (2009), *Progress for Children: A report card on child protection*, NY: UNICEF

## **Recommendations by human rights treaty monitoring bodies**

In 2010, following examination of the state party's initial report, the Committee on the Rights of the Child expressed concern at the lack of information provided on corporal punishment of children and recommended that all relevant laws be amended to prohibit it in all settings, including the family and alternative care settings (CRC/C/MNE/CO/1 Advance Unedited Version, Concluding observations on initial report, paras. 36 and 37).

In 2009, the Committee Against Torture recommended that Montenegro explicitly prohibit corporal punishment of children in all settings (CAT/C/MNE/CO/1, Concluding observations on initial report, para. 22).

**We hope the Committee on the Elimination of Discrimination Against Women will raise the issue of corporal punishment of girls in its List of Issues for Montenegro, in particular asking what legislative and other measures have been taken by the state party to prohibit and eliminate corporal punishment in all settings and thus ensure girls enjoy their rights to respect for their human dignity and physical integrity and to equal protection under the law.**

**In light of General Recommendation No. 19 on Violence against women adopted by the Committee on the Elimination of Discrimination Against Women in 1992, of the links between corporal punishment of children and all other forms of violence, including gender-based violence, and of the Committee on the Rights of the Child's General Comment No. 8 (2006), we hope the Committee will subsequently recommend to the state party that explicit prohibition of all corporal punishment of children be enacted in relation to all settings as a matter of urgency, including the home and the justice system.**

*Briefing prepared by the Global Initiative to End All Corporal Punishment of Children  
[www.endcorporalpunishment.org](http://www.endcorporalpunishment.org); [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)  
December 2010*