

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

**BRIEFING FOR THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS,
PRE-SESSIONAL WORKING GROUP**

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Corporal punishment is lawful in the **home**. The Family Code states (article 220) that the rights and duties of those exercising parental authority over children include “to impose discipline on them as may be required under the circumstances”. The Child and Youth Welfare Code states (article 45) that parents “have the right to discipline the child as may be necessary for the formation of his good character”. The Muslim Personal Law states (article 74) that in relation to their children parents have “the power to correct, discipline, and punish them moderately”. The Rules and Regulations on the Reporting and Investigation of Child Abuse Cases state in defining cruelty (section 2): “... Discipline administered by a parent or legal guardian to a child does not constitute cruelty provided it is reasonable in manner and moderate in degree and does not constitute physical or psychological injury as defined herein.” **As at October 2007, a bill was under discussion which would prohibit corporal punishment in all settings, including the home.**

A number of research studies have revealed the nature and extent of corporal punishment. Comparative research in 2005 in states of the Southeast Asia and Pacific included 139 children and 78 adults in the Philippines. Physical punishments reported by the children included hitting, punishing, spanking, whipping, use of implements, hair pulling, ear twisting and pinching.¹ In 2001, child abuse research found that most abusive acts were those inflicted by parents in the name of discipline and included spanking, being beaten up or mauled (including when a parent uses a wooden stick, belt, bat or broom, incessant beatings, slaps on the face, and being burned with a flat iron), being scolded or punished when the child did nothing wrong, humiliating the child in public, and shouting and cursing at the child.² The World Studies of Abuse in the Family Environment (WorldSAFE) cross-national project examined incidence rates for corporal punishment as self-reported by mothers covering the period of the previous 6 months. In the Philippines, “severe physical punishment” was reported as hitting the child with an object not on the buttocks 21%, kicking 6%, beating 3%, threatening with a knife or gun 1%, choking 1%; “moderate physical punishment” was reported as spanking buttocks with hand 75%, pinching 60%, hitting with object on buttocks 51%, twisting ear 31%, pulling hair 23%, slapping face or head 21%, shaking child 20%, hitting with knuckles 8%, forcing to kneel/stand in uncomfortable position 4%, and putting hot pepper in mouth 1%.³

Corporal punishment is prohibited in public and private **schools**.

In the **penal system**, corporal punishment is unlawful as a sentence for crime and as a disciplinary measure in penal institutions. However, cases have been documented of beatings and other painful treatment and degrading conditions.⁴

¹ Beazley, H., S. Bessell, et al., 2006, *What Children Say: Results of comparative research on the physical and emotional punishment of children in Southeast Asia and Pacific, 2005*, Stockholm, Save the Children Sweden

² De la Cruz, T. et al., 2001, *Trust and power: Child abuse in the eyes of the child and the parent*, Manila: UP-CIDS Psychosocial Trauma and Human Rights Program, cited in International Save the Children Alliance, 2004, *How to research the physical and emotional punishment of children: Resource handbook*, Thailand: International Save the Children Alliance, Southeast, East Asia and Pacific Region

³ Reported in Krug, E. G. et al., eds, 2002, *World report on violence and health*, Geneva: World Health Organization

⁴ Puzon, M.P., 2003, *Painted gray faces, behind bars and in the streets: street children and the juvenile justice system in the Philippines*, Quezon City, Program on Psychosocial Trauma and Human Rights, University of the Philippines, and London, UK Consortium for Street Children. Cited in Nogami, N., 2005, *Discipline and punishment of children: a rights-*

In **alternative care settings**, corporal punishment is prohibited in residential institutions and in day care centres but not in foster care.

Corporal punishment of child domestic workers is unlawful under the Magna Carta for Domestic Workers (2004), but there is no explicit prohibition of corporal punishment of children in other **situations of employment**.

In 2005, following consideration of the state party's second report, the **Committee on the Rights of the Child** expressed serious concern at the prevalence of corporal punishment in society and the lack of prohibition by law of corporal punishment in the home (CRC/C/15/Add.259, para. 41). The Committee recommended that the state party "prohibit by law all forms of corporal punishment in the home, in schools and in private and public institutions, in the juvenile justice system and the alternative care system" (para. 42).