

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

**BRIEFING FOR THE HUMAN RIGHTS COMMITTEE**  
**PRE-SESSIONAL WORKING GROUP – July 2006**

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Of the State parties to be examined in the 88<sup>th</sup> session of the Human Rights Committee, only Ukraine has explicitly prohibited in law all corporal punishment of children in all settings – the home, schools, the penal system (as a sentence for crime and as a disciplinary measure in penal institutions) and other institutions and forms of childcare. Corporal punishment is lawful in the home and in alternative care settings in Bosnia and Herzegovina, Madagascar and the Republic of Korea. In Madagascar and the Republic of Korea it is also lawful in schools. We have been unable to ascertain its legality as a disciplinary measure in penal institutions in Madagascar. We hope that the Committee will question States in detail on their progress towards eliminating all corporal punishment of children, and – mindful of the concluding observations of the Committee on the Rights of the Child – make recommendations that State parties prohibit corporal punishment in the home, schools, the juvenile justice system and other institutions and forms of childcare, and support this with appropriate public education and professional training on positive, participatory and non-violent forms of discipline.

**BOSNIA AND HERZEGOVINA**

Corporal punishment is lawful in the **home**. Children are protected from serious abuse and neglect under the Family and Criminal Codes in the Federation of Bosnia-Herzegovina and in the Republic of Srpska, the Social Protection Law and the Protection of Families with Children Law in the Federation of Bosnia-Herzegovina, the Law on Child Protection in the Republic of Srpska, and the Law on Child Protection in the District Brcko.

Corporal punishment is prohibited in **schools** and in the **penal system**, but there is no explicit prohibition of its use in **alternative care settings**.

In 2005, the **Committee on the Rights of the Child**, following examination of the initial state party report, recommended that the State party prohibit corporal punishment at home and in institutions and “strengthen awareness-raising and education campaigns with the involvement of children in order to prevent and combat child abuse and to promote positive, non-violent forms of discipline and respect for children’s rights, while raising awareness about the negative consequences of corporal punishment” (CRC/C/15/Add.259, para 43).

**MADAGASCAR**

Corporal punishment is lawful in the **home**. Children have some protection from violence and abuse under the Criminal Code and the Constitution.

Corporal punishment is lawful in **schools** and in **alternative care settings**.

In the **penal system**, corporal punishment is unlawful as a sentence for crime but we have been unable to ascertain its legality as a disciplinary measure in penal institutions.

In its concluding observations on the State party's second periodic report in 2003, the **Committee on the Rights of the Child** expressed concern that corporal punishment was not prohibited by law (CRC/C/15/Add.218, para 45) and recommended that the State party "take all necessary steps to introduce the legal prohibition of corporal punishment in schools and other institutions and at home, and train teachers in the use of alternative measures of discipline" (para 46b).

## **REPUBLIC OF KOREA**

Corporal punishment is lawful in the **home**. Children have limited protection from violence and abuse under the Child Welfare Act, the Penal Code, the Special Act on Punishment of Domestic Violence, and the Act on Prevention of Domestic Violence and Victim Protection. A national telephone survey of 1,272 people reported in 1998 found that 91.8% of mothers and 82.9% of fathers approved of corporal punishment of children.<sup>1</sup>

Corporal punishment is lawful in **schools** under the Act on Primary and Secondary Education and the Enforcement Decree of the Elementary and Middle School Education Act. According to official figures from the Ministry of Education and Human Resources Development in 2003, out of 10,381 schools, 7,536 allow teachers to administer corporal punishment.<sup>2</sup> A questionnaire survey of 489 children in grades 4-6 in autumn 1998 found a rate of corporal punishment by teachers of 62% and a rate of violence in the family of 68.9%.<sup>3</sup>

Corporal punishment is unlawful in the **penal system** as a sentence for crime and as a disciplinary measure in penal institutions, but there is no prohibition of corporal punishment in **alternative care settings**.

In 1996, the **Committee on the Rights of the Child** expressed concern at the "persistence of corporal punishment, widely envisaged by parents and teachers as an educational measure" and recommended "legislative measures be adopted with a view to ... clearly prohibiting any form of corporal punishment" (CRC/C/15/Add.51, paras 15, 22). Following consideration of the State party's second report in 2003, the Committee noted that this issue had been insufficiently addressed and expressed "great concern" that corporal punishment was permitted in schools, stating that corporal punishment "constitutes a serious violation of the dignity of the child" (CRC/C/15/Add.197, paras 7, 38). The Committee recommended that the State party "implement the recommendation of the National Human Rights Commission that the relevant legislation and regulations be amended to expressly prohibit corporal punishment in the home, schools and all other institutions", carry out public education campaigns, and promote positive, non-violent forms of discipline in schools and at home (para 39).

## **UKRAINE**

Corporal punishment has been prohibited in all settings, including in the home, since the Prevention of Domestic Violence Act (2001) came into force in 2002.

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<sup>1</sup> Kim, J. Y., 1998, "A study of correlations between attitudes about domestic violence and violent behaviors", *Korean Family Welfare Studies*, vol.2, pp.87-114, cited in Doe, S. J., 2000, "Cultural factors in child maltreatment and domestic violence in Korea", *Children and Youth Services Review*, vol.22, nos.3/4, pp.231-236

<sup>2</sup> "7 in 10 schools allow corporal punishment", *Korea Times*, Seoul, 14 September 2003

<sup>3</sup> Kim, D-H., Kim, K-I. & Park, Y-C., 2000, "Children's experience of violence in China and Korea: A transcultural study", *Child Abuse & Neglect*, vol.24, no.9, pp.1163-1173