



Global Initiative to
**End All Corporal Punishment
of Children**

PALAU

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 11th session, 2011

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Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.

The Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.

In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment as a matter of priority.

Summary

This briefing describes the legality of corporal punishment of children in Palau despite the recommendations of the Committee on the Rights of the Child. We hope the Review will highlight the importance of prohibiting all corporal punishment of children in all settings, including the home, and urge the Government to enact legislation to achieve this as a matter of priority.

1 Legality of corporal punishment in Palau

1.1 Corporal punishment is lawful in the **home**. The Palau National Code (34.61.31-32) states: “A parent or guardian having custody of a child is charged with the control of such child and shall have the power to exercise parental control and authority over such a child.” Provisions against violence and abuse in the Child Abuse Law are not interpreted as prohibiting corporal punishment in childrearing.

1.2 There is no explicit prohibition of corporal punishment in **schools**. The Master Plan for Education (2000) aims to discourage and prevent the use of corporal punishment at primary and secondary levels.

1.3 In the **penal system**, corporal punishment is unlawful as a sentence for crime. The Constitution prohibits cruel, inhumane or degrading treatment or punishment (article IV, section 10), and there is no provision for judicial corporal punishment of juveniles in the Palau National Code. Corporal punishment is lawful as a disciplinary measure in penal institutions.

1.4 In **alternative care settings**, corporal punishment is lawful by guardians and others with parental authority under the provisions confirming “the power to exercise parental control and authority” in the Palau National Code (see above).

2 Recommendations by human rights treaty monitoring bodies

2.1 Following examination of the state party’s initial report in 2001, the **Committee on the Rights of the Child** recommended prohibition of corporal punishment of children in the home and schools (CRC/C/15/Add.149, paras. 44 and 45).