



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

VANUATU

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 5th session, 2008

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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, setting a goal of 2009.

Summary

This briefing describes the legality of corporal punishment of children in Vanuatu, despite the recommendations of the Committee on the Rights of the Child. We hope the Review will highlight with concern this disregard for the Committee's recommendations, and strongly recommend that the government introduce legislation as a matter of urgency to prohibit corporal punishment of children in all settings, including the home.

1 Legality of corporal punishment in Vanuatu

1.1 Corporal punishment of children is lawful in the **home**. Children have limited protection from violence and abuse under the Penal Code, but this is not interpreted as prohibiting corporal punishment.

1.2 Corporal punishment is prohibited in **schools** under the Education Act (2001).

1.3 In the **penal system**, corporal punishment is not available as a sentence for crime under the Penal Code, the Criminal Procedure Code or the Island Courts Act. However, it is used in rural areas as a traditional form of punishment favoured by chiefs. Corporal punishment is not among permitted disciplinary measures in the Correctional Services Act (2006), but there is no explicit prohibition of its use in relation to disciplinary measures in institutions accommodating children in conflict with the law.

1.4 Corporal punishment is lawful in **alternative care settings**.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(10 November 1999, CRC/C/15/Add.111, Concluding observations on initial report, para. 16)

“While the Committee is aware that corporal punishment is prohibited by law in schools, it remains concerned that traditional societal attitudes continue to encourage the use of such punishment within the family, in schools, care and juvenile justice systems and generally in society. The Committee recommends that the State party reinforce measures to raise awareness on the negative effects of corporal punishment and ensure that alternative forms of discipline are administered in families, schools, and care and other institutions, in a manner consistent with the child’s dignity and in conformity with the Convention. In this connection, the Committee recommends that the State party provide counselling and other programmes for parents, teachers and professionals working in institutions to encourage their use of alternative forms of punishment. In addition, the Committee strongly recommends that all necessary measures be taken to ensure the full and effective implementation of the ban on corporal punishment in schools.”

2 Recommendations by human rights treaty monitoring bodies

2.1 In 1999, following examination of the state party’s initial report, the **Committee on the Rights of the Child** expressed concern at the traditional acceptance of corporal punishment in the family, schools, care and juvenile justice systems and in society generally. The Committee recommended the elimination of corporal punishment in all settings, and proper implementation of the prohibition in schools (CRC/C/15/Add.111, para. 16).