

# Essential tips for campaigners

## *How to pressurise governments into fulfilling their legal obligations*

**Advocates need to know what the legal status of corporal punishment is in their state and what reforms are needed to ensure universal prohibition, including in the family** The Global Initiative to End All Corporal Punishment website includes a report on legal status in every State: [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org). The Global Initiative will be glad to provide advice and support with any strategies: [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org).

- **Convention and Committee on the Rights of the Child** It is important to use the reporting process at national level to raise the issue of ending corporal punishment and advocate for law reform. Lobby the government when preparing its State report; get issue included in alternative reports from NGOs and human rights institutions; ensure that the Committee includes appropriate recommendations in concluding observations. Use the concluding observations to pressurise government.

### **Other UN human rights treaty bodies**

Consider also briefing the Human Rights Committee, Committee against Torture, Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women on corporal punishment before they examine your State's report.

- **Individual communications (complaints) to treaty bodies** It is possible to raise individual cases of corporal punishment with the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, and the Committee against Torture. This is possible if your State has accepted the relevant Optional Protocol or in the case of CAT, article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Before making an individual complaint, possible domestic remedies have to be exhausted – but if corporal punishment is lawful, there will be no domestic remedy. Details of the procedures and how to use them: <http://www.ohchr.org>

**Using regional human rights mechanisms** In Europe, the European Court of Human Rights and the collective complaints procedure under the European Social Charter have been used to challenge corporal punishment. There are possibilities under the Inter-American human rights system, and also under the African mechanisms: the African Charter and Committee on the Rights and Welfare of the Child, and the African Charter and Commission on Human and People's Rights.

### **Using regional inter-governmental bodies**

The Parliamentary Assembly of the Council of Europe adopted a recommendation in 2004, calling for Europe to become a corporal-punishment-free-zone for children. It may be possible to get other inter-governmental bodies to add pressure for reform.

### **Legal challenges using constitutional and/or international human rights obligations**

High-level courts in a number of countries have declared corporal punishment of children, in schools, penal systems and in some cases in the home, to be in breach of the constitution or of a State's international obligations. Advocates should obtain a legal opinion on whether such challenges are possible, either on behalf of an individual victim child, or on behalf of children as a discriminated against group in society. Getting an authoritative legal opinion that the legality of corporal punishment is unconstitutional and threatening a case may be sufficient to encourage governments to reform their law.

**Human rights institutions** National human rights institutions and ombudsman offices, including children's ombudspersons, have a special responsibility to pursue this issue. Suggest individual or collective actions these institutions could take. The European Network of Ombudspersons for Children (ENOC) and the Central American Network have both adopted position statements calling for universal prohibition.

### **Children's rights NGOs/INGOs/NGO**

**children's rights coalitions/child-led organisations** Think – are these organisations working towards elimination of all corporal punishment in your State?