

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

**BRIEFING ON BELARUS FOR THE COMMITTEE AGAINST TORTURE
STATE EXAMINATION – October/November 2011**

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BELARUS (fourth report – CAT/C/BLR/4)

Corporal punishment of children in Belarus

Corporal punishment is lawful in the **home**. The Rights of the Child Act (1994, as amended 2008) states in article 9: “The State shall preserve the inviolability of the child’s person and afford protection against all forms of exploitation, physical or mental violence, cruel, harsh or negligent treatment, humiliation, sexual exploitation or sexual perversion, including on the part of parents, persons acting in loco parentis or relatives....” This and the provisions against violence and abuse in the Criminal Code (1999) and other laws are not interpreted as prohibiting all corporal punishment in childrearing. According to a major report by UNICEF published in 2010, 84% of children aged 2-14 experienced violent discipline (physical punishment and/or psychological aggression) in 2005-2006; 2% were severely physically punished (hit or slapped on the face, head or ears, or hit over and over with an implement).¹

Corporal punishment is considered unlawful in **schools** under article 24 of the Rights of the Child Act which prohibits “degrading treatment of pupils”. According to the state party’s third/fourth report to the UN Committee on the Rights of the Child in 2008 it is also prohibited by regulations (CRC/C/BLR/3-4, para. 213), but we have been unable to verify this.

In the **penal system**, corporal punishment is unlawful as a sentence for crime under the Criminal Code and Criminal Procedure Code (1999). It is considered unlawful as a disciplinary measure in penal institutions under the Rights of the Child Act, but there is no explicit prohibition.

There is no explicit prohibition of corporal punishment in **alternative care settings**. Article 30 of the Rights of the Child Act punished “teachers and other staff of children’s homes, boarding schools and other boarding institutions who commit anti-pedagogical or immoral acts against pupils”, but this article was repealed when the Act was amended in 2008.

Opportunities for achieving law reform

In 2010, amendments to the Marriage and Family Code were being considered, and as at February 2011 a draft Law on Prevention of Domestic Violence was under consideration. These reforms provide immediate opportunities for enacting prohibition of corporal punishment.

Recommendations by human rights treaty bodies

The **Committee on the Rights of the Child** has twice recommended that Belarus prohibit corporal punishment of children by law in all settings, including the home – in 2002 in its concluding observations on the state party’s second report (CRC/C/15/Add.180, para. 40) and in 2011 on the third/fourth report (CRC/C/BLR/CO/3-4, para. 40). During the **Universal Periodic Review** of Belarus in 2010 a recommendation was made to prohibit corporal punishment of children. The Government responded by asserting that existing child abuse laws already ensure sufficient protection from

¹ UNICEF (2010), *Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries*, NY: UNICEF

corporal punishment. As noted above, there is in fact no explicit prohibition of corporal punishment, but there are opportunities to enact prohibition.

We hope the Committee Against Torture will urge the Government of Belarus to ensure that the law explicitly prohibits corporal punishment of children in all settings, including the home, as a matter of priority, and to support law reform with appropriate public education and professional training on positive, participatory and non-violent forms of discipline.

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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