



Global Initiative to  
End All Corporal Punishment  
of Children

## **BRIEFING ON USA FOR THE HUMAN RIGHTS COMMITTEE 109<sup>TH</sup> SESSION – October/November 2013**

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**Note:** This briefing supplements the briefing submitted to the Country Report Task Force in December 2012 in light of the Government's response to the List of Issues adopted by the Human Rights Committee.

**In light of articles 7, 23 and 24 of the International Covenant on Civil and Political Rights, the consensus under international human rights law that corporal punishment of children should be prohibited, the recommendations of the UN Secretary General's Study on Violence against Children and the current legality of corporal punishment in the US as described in the previous briefing from the Global Initiative, we hope the Human Rights Committee will:**

- **raise the issue of prohibition of corporal punishment of children in its examination of the US, and**
- **recommend that all corporal punishment of children be prohibited in the home and all alternative care settings, as a matter of urgency.**

### **1 The written replies of the US to the Human Rights Committee**

1.1 In its List of Issues for the US, the Human Rights Committee asks for information on steps taken to prohibit and prevent corporal punishment of children in schools, penal institutions, the home and all forms of care, and on the application of criminal law with regard to disciplinary issues in schools (29 April 2013, CCPR/C/USA/Q/4, para. 14). In its written reply, the state party focuses exclusively on corporal punishment in schools; it notes the Constitutional right to freedom from "excessive or arbitrary" corporal punishment and that in states where corporal punishment is not prohibited in law, many schools ban its use and efforts are made to ensure it is not administered in a discriminatory way ([N.D.], CCPR/C/USA/Q/4/Add.1, Reply to list of issues, paras. 67-71).

### **2 Comments from the Global Initiative**

2.1 In our previous briefing to the Human Rights Committee, submitted in December 2012, we described the legality of corporal punishment in the US in the home, schools, penal

institutions and alternative care settings. There has been no change to the legal situation. We offer the following comments on the Government's response to the list of issues.

- 2.2 In its reply, the Government completely ignores the request for information on corporal punishment in relation to the home, penal institutions and care settings. The obligation to prohibit and eliminate corporal punishment is one frequently evaded by Governments. However, the near universal acceptance of a degree of violence in childrearing, together with deeply held views that parents and other adults have a "right" to physically punish children, mean that corporal punishment is not readily perceived as a violent act in the same way as, for example, sexual and other socially unacceptable forms of violence: it is imperative that corporal punishment be *explicitly* prohibited. Silence in the face of direct questioning, such as in the Human Rights Committee's list of issues, must surely signal an avoidance of the issue and the associated obligations under international human rights law.
- 2.3 The Government notes that corporal punishment is in some schools banned in the absence of prohibiting legislation, and that positive discipline is promoted in some schools. While these efforts are to be welcomed, they do not amount to prohibition of corporal punishment, which requires law reform. Furthermore, to advocate for positive, non-violent disciplinary practices among teachers while corporal punishment is authorised or at least condoned in legislation both at home and in schools produces only a weak and contradictory disciplinary framework which lacks legal foundation.
- 2.4 The Government draws attention to efforts to address "racial disparities" and gender/disability discrimination in the use of corporal punishment in schools. The implication is that "paddling" a student because of his or her skin colour is unacceptable but doing so because of perceived misbehaviour is justifiable. In terms of every child's right to a non-violent education, this is blatantly wrong. It is difficult to imagine a Government tackling domestic violence by first ensuring that women are hit at the same rate regardless of their ethnic origin: the same must be true for children.
- 2.5 **We hope the Human Rights Committee will strongly urge the US to protect all children, in law, from all corporal punishment – in schools, homes and all other settings.**

*Supplementary briefing prepared by the Global Initiative to End All Corporal Punishment of Children  
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August 2013*