



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

BHUTAN

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 6th session, 2009

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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 Bhutan, despite the repeated recommendations of the Committee on the Rights of the Child. We hope the Review will highlight the importance of prohibition of corporal punishment of children, including in the home, 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 Bhutan

1.1 Corporal punishment is lawful in the **home**. Children have limited protection from violence under the Civil and Criminal Procedure Codes and the Penal Code. At a meeting of the South Asia Forum in July 2006, following on from the regional consultation in 2005 of the UN Secretary General's Study on Violence against Children, the government made a commitment to prohibition in all settings, including the home. A draft Child Care and Protection Act was expected to be adopted by the end of 2008, but we have no further details.

1.2 In **schools**, the Teacher and Student's Code of conduct (1997) and ministerial directives state that corporal punishment should not be used but there is no explicit prohibition in law.

1.3 In the **penal system**, corporal punishment is unlawful as a sentence for crime, but it is not prohibited as a disciplinary measure in penal institutions. In October 2008 a draft Juvenile Justice Act was under discussion, but we have no further details.

1.4 There is no explicit prohibition of corporal punishment in **alternative care settings**.

2 Recommendations by human rights treaty monitoring bodies

2.1 Following examination of the state party's second report in 2008, the **Committee on the Rights of the Child** expressed concern at the legality of corporal punishment in the home, schools and alternative care settings, including monasteries, and recommended its explicit prohibition in all settings (CRC/C/BTN/CO/2, paras. 37 and 38). The Committee had previously recommended prohibition in all settings, including the home, in 2001 (CRC/C/15/Add.157, Concluding observations on initial report, paras. 40 and 41).