



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

## **BELARUS**

### **BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 8<sup>th</sup> session, 2010**

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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](http://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 Belarus despite the 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 within the family home, and strongly recommend that the government enact and implement legislation to ensure complete prohibition.**

## **1 Legality of corporal punishment in Belarus**

1.1 Corporal punishment is lawful in the **home**. Article 9 of the Rights of the Child Act (1994, amended 2007) states: “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, sexual exploitation or sexual perversion, including on the part of parents, persons acting in loco parentis or relatives....” This and other legal provisions against violence and abuse are not interpreted as prohibiting all corporal punishment in childrearing

1.2 According to a statistical review by UNICEF, 49% of children aged 2-14 experienced minor physical punishment in the home in 2005-2006.<sup>1</sup>

1.3 Corporal punishment is unlawful in **schools** and the **penal system**. In **alternative care settings**, it is considered unlawful in institutions under the Rights of the Child Act but there is no explicit prohibition. It is lawful in foster care.

## **2 Recommendations by human rights treaty monitoring bodies**

2.1 In 2002, in its concluding observations on the state party’s second report, the **Committee on the Rights of the Child** recommended prohibition of corporal punishment at home, in schools and other institutions (CRC/C/15/Add.180, para. 40).

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<sup>1</sup> UNICEF (2007), *Progress for Children: A World Fit for Children – Statistical Review, Number 6, December 2007*