



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

## **KIRIBATI**

### **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 Kiribati 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, and strongly recommend that the government introduce legislation as a matter of urgency to prohibit all corporal punishment of children in the family home and all other settings, including traditional justice systems.**

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

1.1 Corporal punishment is lawful in the **home**. Article 226 of the Penal Code (1977) prohibits cruelty to children but also states: “Nothing in this section shall be construed as affecting the right of any parent, teacher, or other person, having the lawful control of a child or young person to administer reasonable punishment to him.”

1.2 Corporal punishment is considered unlawful in **schools** since the provisions allowing it in the Education Ordinance (1977) were repealed by the 1997 Education (Amendment) (No 2) Act, but there is no explicit prohibition in law, and article 226 of the Penal Code (see above) applies.

1.3 In the **penal system**, there is no provision for corporal punishment as a sentence for crime in the Penal Code or the Criminal Procedure Code. However, under article 226 of the Penal Code (see above) corporal punishment is permitted in traditional sentencing by order of Island Councils. Under examination by the Committee on the Rights of the Child in 2006, the Government stated that although corporal punishment was a sentencing option available to magistrates it was rarely used, and the Government was aware of the need to amend legislation (CRC/C/SR.1166, para. 46). To our knowledge this has not been achieved. There is no prohibition of corporal punishment as a disciplinary measure in penal institutions, where “reasonable punishment” would be permitted under article 226 of the Penal Code (see above).

1.4 There is no prohibition of corporal punishment in **alternative care settings** and article 226 of the Penal Code (see above) applies.

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

2.1 Following examination of the state party’s initial report in 2006, the **Committee on the Rights of the Child** expressed concern at the legality of corporal punishment and particularly at article 226 of the Penal Code. The Committee recommended explicit prohibition in all settings, including in the home and in traditional forms of sentencing (CRC/C/KIR/CO/1, paras. 34 and 35).