

ROMANIA

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 15th session, 2013

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

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.

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 also 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 as a matter of priority.

The Global Initiative to End All Corporal Punishment of Children has regularly briefed the Committee on the Rights of the Child on this issue since 2002, 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, and in 2011 began briefing the Committee on the Rights of Persons with Disabilities. There is growing progress across all regions in challenging this common form of violence against children. But many states persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope the Working Group of the UPR will give particular attention to states’ response, or lack of response, to the concluding observations from treaty bodies on this issue, as well as to the recommendations made during the first cycle of the UPR.

Corporal punishment of children in Romania is prohibited in the home and all other settings, complying with the state’s obligations under the Convention on the Rights of the Child and other human rights instruments in respect of legislative protection of children. However, research indicates that children continue to be physically punished.

We hope the Human Rights Council will note the achievement of law reform to prohibit corporal punishment in Romania. We hope states will raise the issue during the review in 2013 and recommend to Romania that efforts to ensure full implementation of the law are strengthened, including through public and professional awareness raising and education, appropriate complaints mechanisms for adults and children, and a range of measures at all levels in response to persons who continue to physically punish children.

1 The initial review of Romania by the Human Rights Council (2008)

1.1 Romania was reviewed in the first cycle of the Universal Periodic Review in 2008 (session 2). The following recommendation was made:

“To, inter alia, expressly prohibit corporal punishment in the home, school and institutions and to promote alternative methods of discipline (Russian Federation)”¹

1.2 During the review, the Government confirmed that, in fact, all corporal punishment of children is prohibited by law in Romania.² In its subsequent formal response to the recommendations, the Government reiterated this assertion, stating:

“The law on the protection and promotion of the rights of the child adopted in 2004 expressly prohibits corporal punishment of children. Any disciplinary actions applied in schools must be taken while observing the dignity of the child. Physical punishments or those affecting the child’s physical and mental development or emotional state are strictly forbidden.”³

1.3 While the Global Initiative is pleased to confirm that the necessary law reform to prohibit corporal punishment of children in all settings, including the home, has been achieved in Romania, we note that the Government has provided no information regarding the second part of the recommendation, i.e. to promote alternative methods of discipline. We also note that, as confirmed by the Committee on the Rights of the Child in its General Comment on the issue, implementation of prohibition is not limited to the promotion of non-violent alternatives to corporal punishment but involves a range of other measures, including public education and awareness raising, professional training, child-friendly complaints mechanisms and graded responses to those who persist in inflicting corporal punishment on children, including parents and teachers.⁴

2 Corporal punishment of children in Romania

2.1 Corporal punishment of children is prohibited in all settings, including the home, in Law No. 272/2004 on the Protection and Promotion of the Rights of the Child (in force 2005).

2.2 Research in 2007, three years after the achievement of law reform, found a high level of awareness among professionals and others of the illegality of corporal punishment of children. However, interviews with teachers, doctors, psychologists and other professionals working with children revealed that 12% were aware of children being treated violently in the home: 82% felt that a public information campaign was “greatly needed”; 90% felt that an information campaign for adults working with children was needed.⁵

¹ 3 June 2008, A/HRC/8/49, Report of the Working Group, para. 58(16)

² 3 June 2008, A/HRC/8/49, Report of the Working Group, para. 56

³ 25 August 2008, A/HRC/8/49/Add.1, Report of the Working Group: Addendum, para. 2; see also Romania’s mid-term report on implementation of the recommendations

⁴ Committee on the Rights of the Child (2006), General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia)

⁵ Save the Children Romania (2007), *Study on the Level of Awareness of Child Protection Legislation Among the General Population and Experts*

3 Recommendations by human rights treaty monitoring bodies

3.1 In its concluding observations on the state party's third/fourth report in 2009, the **Committee on the Rights of the Child** expressed concern that despite prohibition by law, corporal punishment continued to be inflicted on children in the home, schools and other institutions. The Committee recommended that awareness raising and public education measures be intensified so as to promote the use of non-violent childrearing.⁶

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July 2012

⁶ 30 June 2009, CRC/C/ROM/CO/4, Concluding observations on third/fourth report, paras. 58 and 59