



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

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

BRIEFING FOR THE HUMAN RIGHTS COUNCIL

UNIVERSAL PERIODIC REVIEW – 5th session, 2008

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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 The Former Yugoslav Republic of Macedonia, despite the recommendations of the Committee on the Rights of the Child and the Committee Against Torture. 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 corporal punishment of children in all settings, including the home.

1 Legality of corporal punishment in The Former Yugoslav Republic of Macedonia

1.1 Corporal punishment of children is lawful in the **home**. Provisions against violence and abuse in the Law on Protection of Children Act, the Criminal Code, the Family Law and the Constitution are not interpreted as prohibiting corporal punishment in childrearing.

1.2 According to a statistical review by UNICEF, 53% of children aged 2-14 experienced minor physical punishment in the home in 2005-2006. The same review reported that 21% of girls and women aged 15-49 believed that a husband or partner is justified in hitting or beating his wife under certain circumstances.¹

1.3 Corporal punishment is prohibited in **schools** by the Law on Elementary Education and the Law on Secondary Education.

1.4 In the **penal system**, corporal punishment is unlawful as a sentence for crime and as a disciplinary measure in penal institutions.

1.5 Corporal punishment is unlawful in **alternative care settings**, though we have no details of applicable legislation.

2 Recommendations by human rights treaty monitoring bodies

In its concluding observations on the state party's initial report in 2000, the **Committee on the Rights of the Child** expressed concern at corporal punishment of children in all contexts and recommended its prohibition by law (CRC/C/15/Add.118, para. 24). In 2008, following examination of the state party's second report, the **Committee Against Torture** recommended prohibition by law of corporal punishment of children in all settings (CAT/C/MKD/CO/2, para. 21).

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