



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

ERITREA

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

From Peter Newell, Coordinator, Global Initiative

info@endcorporalpunishment.org

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 Eritrea, 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, 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 Eritrea

1.1 Corporal punishment is lawful in the **home**. Articles 548 (2) and 64 (b) of the Transitional Penal Code of Eritrea confirm the right to administer “lawful and reasonable chastisement” or other acts carried out in exercising the “right of correction”. Legal provisions against violence and abuse in the Transitional Penal Code and the Transitional Civil Code are not interpreted as prohibiting all corporal punishment in childrearing.

1.2 A code of conduct states that corporal punishment should not be used in **schools** but there is no explicit prohibition in law.

1.3 In the **penal system**, corporal punishment is lawful as a sentence for crime under article 172 of the Transitional Penal Code. It is abolished in the Draft Penal Code (articles 76-77). We have been unable to ascertain the legality of corporal punishment as a disciplinary measure in penal institutions.

1.4 Corporal punishment is lawful in **alternative care settings** under the provisions for the “right of correction” in the Transitional Penal Code (see above).

2 Recommendations by human rights treaty monitoring bodies

2.1 In 2008, following examination of the state party’s second/third report, the **Committee on the Rights of the Child** expressed concern that “reasonable chastisement” is permitted and that corporal punishment is widespread in the home, schools and other settings. The Committee recommended explicit prohibition in all settings (CRC/C/ERI/CO/3, paras. 38 and 39). The Committee had made similar recommendations in its concluding observations on the initial report in 2003 (CRC/C/15/Add.204, paras. 31 and 32).