



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

MICRONESIA

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 9th 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) 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 as a matter of priority.

Summary

This briefing describes the legality of corporal punishment of children in Micronesia despite having ratified the Convention on the Rights of the Child. We hope the Review will highlight the importance of prohibition of all 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 Micronesia

1.1 Corporal punishment is lawful in the **home**. Children are protected from violence and abuse under the federal Code of the Federated States of Micronesia (1982) and various state laws but there is no prohibition of corporal punishment. The State Juveniles Act in Yap states that parents “shall have control over the conduct and education of their minor children” and shall provide “for the discipline, support, and education of their children” (section 1204). Similar provisions in the State Code of Kosrae (1997) specify that parents have a “duty of parental control of the minor” (section 16.1102) and “the duty to control the minor and ... the power to exercise parental control and authority over the minor” (section 6.4807).

1.2 Corporal punishment is prohibited in **schools**, but we have been unable to ascertain if this is by policy or law. There is no mention of corporal punishment or school discipline in the State Codes of Yap, Pohnpei or Kosrae or the draft State Code of Chuuk.

1.3 In the **penal system**, corporal punishment is unlawful as a sentence for crime. The Constitution of the Federated States of Micronesia states that “cruel and unusual punishments” should not be inflicted (article IV, section 8), and this is reflected in similar provisions in the Constitutions of Pohnpei (article 4.9), Yap (article 2.7), Kosrae (article 2.1) and Chuuk (article 3.6). There are no provisions in other state laws for judicial corporal punishment of children convicted of a crime. There is no explicit prohibition of corporal punishment as a disciplinary measure in penal institutions.

1.4 There is no prohibition of corporal punishment in **alternative care settings**.

2 Recommendations by human rights treaty monitoring bodies

2.1 There have been no relevant recommendations.