

# Ending legalised violence against children

GLOBAL REPORT 2013

See inside for tables of progress worldwide, including 49 states committed to full prohibition



Children in Honduras, where complete prohibition of corporal punishment was achieved in 2013

## Following up the UN Secretary General's Study on Violence against Children

*“Our societies and legal systems do not tolerate violence as a way of personal interaction or conflict resolution among adults. Children are not second-class citizens; on the contrary, they deserve special protection from their family, society and the state. States must send a clear message by urgently prohibiting all forms of violence against children, including violence disguised as discipline.”*

Rosa María Ortiz, Rapporteur on the Rights of the Child, Inter-American Commission on Human Rights



**The aims of the Global Initiative – promoting the prohibition and elimination of all corporal punishment of children – are supported by UNICEF, UNESCO and many international and national organisations, including:**

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 Better Care Network  
 Caribbean College of Paediatricians  
 Center for Effective Discipline, USA  
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 Child Welfare League of Canada  
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**Individual supporters include:**

The Hon Madam Justice Désirée Bernard, Judge of the Caribbean Court of Justice, Trinidad and Tobago  
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 The Hon Madam Justice Sandra Mason, former Member and Chairperson, Committee on the Rights of the Child; Justice of Appeal of the Supreme Court of Barbados  
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 The Most Reverend Desmond M. Tutu, Anglican Archbishop Emeritus of Cape Town

**For a full list of supporting international and national organisations and prominent individuals, and to sign-up as a supporter, see [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)**

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## Note on facts and figures

The Global Initiative bases its analyses on a total of 198 states, all those that have ratified the UN Convention on the Rights of the Child except Holy See, plus Palestine, Somalia, South Sudan, Taiwan, US and Western Sahara. Child population figures are from UNICEF 2011 (2010 for Russian Federation and Palestine) and, where no UNICEF figures are available, *World Population Prospects 2010* (0-19) (Bolivia, Cyprus, DPR Korea, DR Congo, Montenegro, Republic of Korea, Republic of Moldova, Serbia, Western Sahara), *Statistical Yearbook 2012* (Lao PDR), Children Bureau Ministry of Interior 2005 (Taiwan); South Sudan figure is an estimate.

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# Messages



**Kirsten Sandberg**  
Chair, UN Committee on the Rights of the Child

The UN Convention on the Rights of the Child says clearly that States Parties shall take all appropriate measures to protect the child from all forms of physical or mental violence. There is no doubt that corporal punishment is a form of physical violence, with mental effects. Violence is not dependent on visible harm being done. Even a light smack or slap is violence when exercised against an adult. Why should that not be so when inflicted on a child? The Convention requires greater protection given to children than to adults.

Legislation is a basic measure of protection, and states have an immediate and unqualified obligation under the Convention to prohibit corporal punishment of children by law. The Convention demands the removal of any provisions that allow some degree of violence against children, for example “reasonable chastisement”. The disciplining of children can never be an excuse for the use of violence against them, nor can it be argued that it is ever in children’s best interests. Instead states must promote positive and non-violent forms of discipline, and respect for children’s equal right to human dignity and physical integrity.

The present report shows some promising progress in this area. It should be an inspiration to more states to fulfill their obligations.



**Marta Santos Pais**  
Special Representative of the Secretary General on Violence against Children

This new report from the Global Initiative is a significant source of information on important developments around the world to promote the legal protection of children from violence. It captures progress achieved, highlights growing commitments made by states, and provides valuable information about civil society initiatives to raise awareness and mobilise support to law enactment and enforcement.

Legislation is a key component of any comprehensive strategy to safeguard the right of the child to freedom from violence. Legislation sends a clear message to society about harmful behaviour towards children and it legitimises actions required to safeguard children’s safety and protection; encourages positive discipline and the education of children by non-violent means; provides guarantees to protect victims and witnesses; ensures redress, recovery and reintegration, and establishes accountability systems to end impunity.

The adoption of national legislation to protect children from violence is gaining momentum. Law reform has also become a priority for children and young people around the world. As highlighted by the 2013 Global Survey on Violence against Children conducted by my office, children participating in consultations we have promoted across regions have called for legal reforms to prohibit violence against children, to safeguard the rights of girls, and protect children from discrimination of any kind. With strong laws and effective enforcement, the protection of children from violence can evolve from a concern of a few into a priority for all. Joining hands together, this is a goal we can soon achieve!



**Professor Paulo Sérgio Pinheiro**  
The Independent Expert who led the UN Secretary General’s Study on Violence against Children

This detailed report from the Global Initiative suggests that the pressure on states to prohibit and eliminate violent punishment of children, created by repeated human rights-based recommendations from the UN treaty bodies and in the Universal Periodic Review, is having some welcome cumulative impact. It seems that 49 states – a quarter of all UN member states – have now expressed full commitment to banning corporal punishment, including in the home and family. The report documents that six states still persist in openly defending some forms of corporal punishment in their responses to human rights recommendations. We should be thankful that this minority is shrinking year by year but outraged by their assertion that children, of all people, should have less respect for their dignity and physical integrity and less protection under the law from violence.

Prohibiting corporal punishment of children is fundamental to the prevention of all other forms of violence in societies. And this report underlines that it is additionally essential to fulfilling other children’s rights: access to justice, rights to health and education. Let us hope it inspires all of us to more concerted and effective advocacy.

# Why are children still waiting?

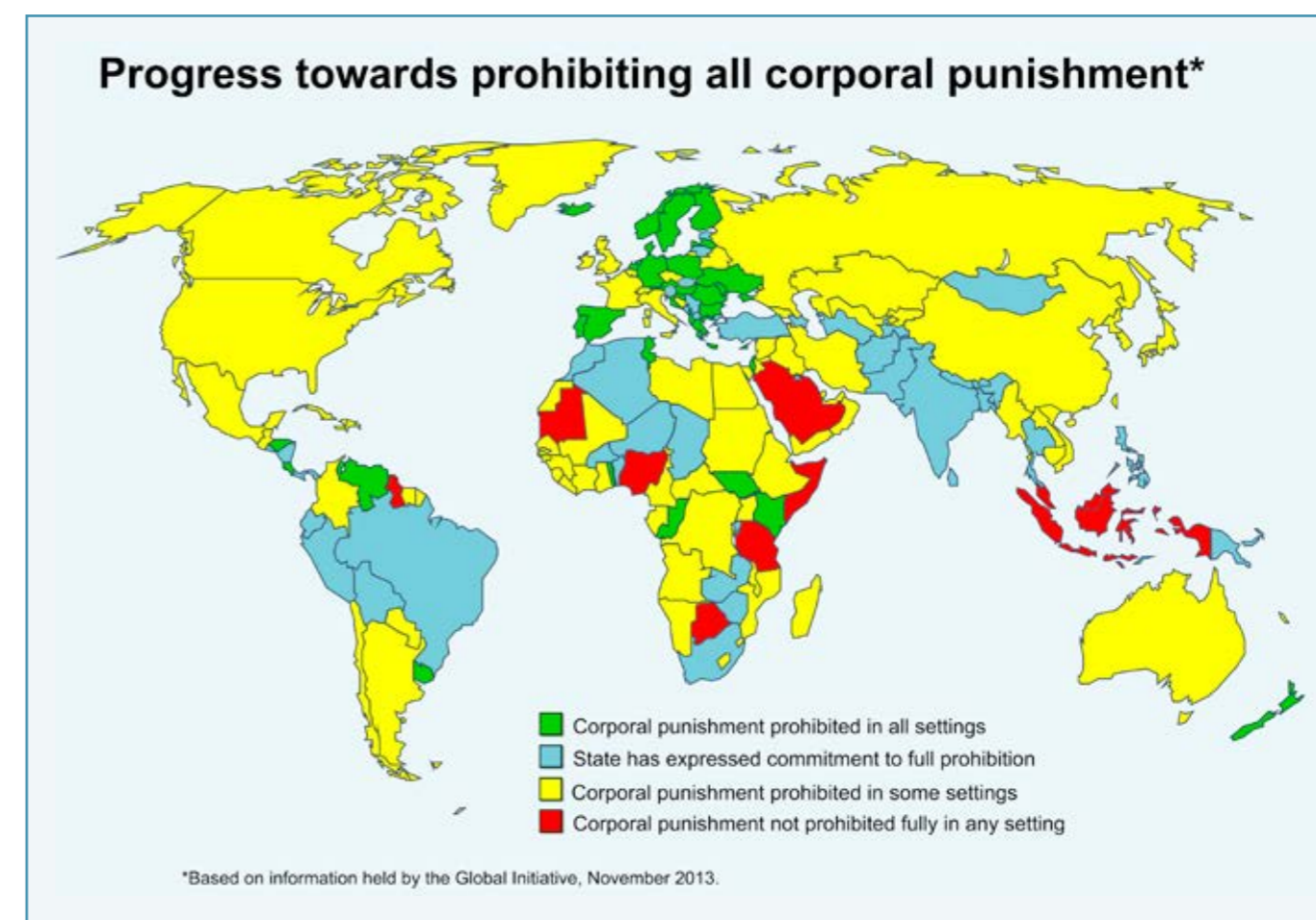


*“Children are sick of being called ‘the future’; they want to enjoy their childhood, free of violence, now.”*

Paulo Sérgio Pinheiro, 2007

Achieving law reform to prohibit corporal punishment of children marks a turning point in a state’s relationship with its youngest citizens. It signals a recognition of children as human beings, respect for their rights, a commitment to fostering their growth and development in a violence-free environment and a vision of a society based on the premise that conflict can be resolved peacefully. Yet which of us would not claim that we already hold such views? Why is it that prohibiting corporal punishment can be such a struggle? Perhaps it is because promoting law reform for prohibition also marks a turning point in our relationship with ourselves. It confronts us with our personal experiences of being hit and hurt as we were growing up, of our past and present feelings about our parents and communities; the beliefs we have developed to rationalise our life experiences and what we see around us; our parenting, and physically punishing our own children; our religious views. But how would progress be made in any aspect of our lives if we allowed our past and present to prevent us changing things now and for the future?

The positive work towards realising children’s right to protection from all corporal punishment documented in this report, and the achievement of law reform in 34 states to date, attest to the fact that change is possible and the results are good. With a quarter of UN member states now committed to prohibiting corporal punishment of children, let us make every effort to ensure that all children are able to enjoy their childhoods free from violence.



# Prohibiting corporal punishment – progress and delay



## Progress towards prohibition

Globally, 34 states have now prohibited corporal punishment in all settings, including the home. Outside the home, children are legally protected from corporal punishment in alternative care settings (foster care, institutions, places of safety, etc) in 41 states, in day care (early childhood care and day care for older children) in 41 states, in all schools in 122 states, in penal institutions in 124 states and as a sentence of the courts in 159 states.

The number of Governments publicly expressing a commitment to law reform – through clear acceptance of recommendations during the Universal Periodic Review and in other contexts – continues to grow. As at November 2013, Governments in 49 states have indicated their commitment to prohibition (for details see pages 35 to 38). If all of these commitments were met, and corporal punishment prohibited in all settings in these states, the proportion of the world's child population legally protected from all assault, including from punitive violence inflicted in the guise of “discipline”, would rise more than eightfold, from 5.4% to 45.9%. **Action is needed urgently to ensure that commitments made become commitments fulfilled.** The Global Initiative freely provides technical advice and support on all aspects of law reform: email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org).

## 34 states have achieved prohibition of corporal punishment in all settings:

Albania; Austria; Bulgaria; Congo, Republic of; Costa Rica; Croatia; Cyprus; Denmark; Finland; Germany; Greece; Honduras; Hungary; Iceland; Israel; Kenya; Latvia; Liechtenstein; Luxembourg; Netherlands; New Zealand; Norway; Poland; Portugal; Republic of Moldova; Romania; South Sudan; Spain; Sweden; Togo; Tunisia; Ukraine; Uruguay; Venezuela

## Governments in 49 states have expressed a commitment to prohibition:

Afghanistan; Algeria; Armenia; Azerbaijan; Bangladesh; Belize; Benin; Bhutan; Bolivia; Brazil; Burkina Faso; Cape Verde; Chad; Ecuador; El Salvador; Estonia; India; Lithuania; Maldives; Mauritius; Mongolia; Montenegro; Morocco; Nepal; Nicaragua; Niger; Pakistan; Palau; Panama; Papua New Guinea; Peru; Philippines; Samoa; San Marino; Sao Tome and Principe; Serbia; Slovakia; Slovenia; South Africa; Sri Lanka; Tajikistan; TFYR Macedonia; Thailand; Timor-Leste; Turkey; Turkmenistan; Uganda; Zambia; Zimbabwe

## In 24 states, laws currently in force do not fully prohibit corporal punishment in any setting:

Antigua and Barbuda; Barbados; Botswana; Brunei Darussalam; Dominica; Eritrea; Grenada\*; Guyana; India; Malaysia; Maldives; Mauritania; Nigeria; Pakistan; Palestine; St Kitts and Nevis; St Vincent and the Grenadines; Saudi Arabia; Singapore; Somalia; Trinidad and Tobago\*; Tuvalu; UR Tanzania; Zimbabwe

## In 39 states, corporal punishment (caning, flogging, whipping) is lawful as a sentence for crime under state, religious and/or traditional systems of justice:

Afghanistan; Antigua and Barbuda; Bahamas; Bangladesh; Barbados; Bolivia; Brunei Darussalam; Colombia; Dominica; Ecuador; Eritrea; Grenada\*; Guyana; India; Indonesia; Iran; Kiribati; Libyan Arab Jamahiriya; Malaysia; Maldives; Mauritania; Nigeria; Pakistan; Palestine; Qatar; St Kitts and Nevis; St Vincent and the Grenadines; Saudi Arabia; Singapore; Somalia; Tonga; Trinidad and Tobago\*; Tuvalu; United Arab Emirates; UR Tanzania; Vanuatu; Yemen; Zimbabwe

\* Prohibiting legislation enacted, not yet in force

## Honduras achieves prohibition in all settings

In 2013, Honduras became the 34th state worldwide – the fourth Latin American state – to prohibit all corporal punishment of children in all settings, including the home. The prohibition came into force on the day the legislation was published in the Official Gazette, 6 September 2013.

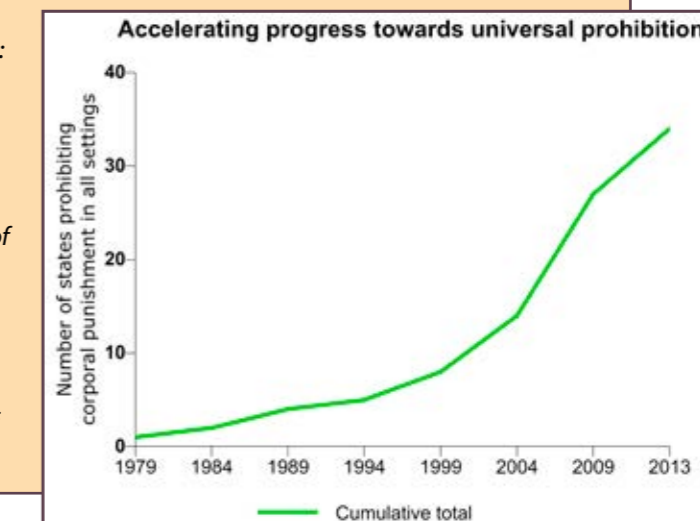
Prior to reform, article 231 of the Civil Code and article 191 of the Family Code both confirmed the authority of parents “to reprimand and adequately and moderately correct their children”. These defences for the use of corporal punishment in childrearing were explicitly repealed. Article 14 of the amending law (Decree No. 35-2013) repeals article 231 of the Civil Code, and article 5 of the amending law replaces article 191 of the Family Code with explicit prohibition of corporal punishment:

*“Parents, in the exercise of parental authority, have the right to exercise orientation, care and correction of their children, and to import to them, in keeping with the evolution of their physical and mental faculties, the guidance and orientation which are appropriate for their comprehensive development.*

*“It is prohibited to parents and every person charged with the care, upbringing, education, treatment and monitoring [of children and adolescents], whether on a temporary or permanent basis, to use physical punishment or any type of humiliating, degrading, cruel or inhuman treatment as a form of correction or discipline of children or adolescents.*

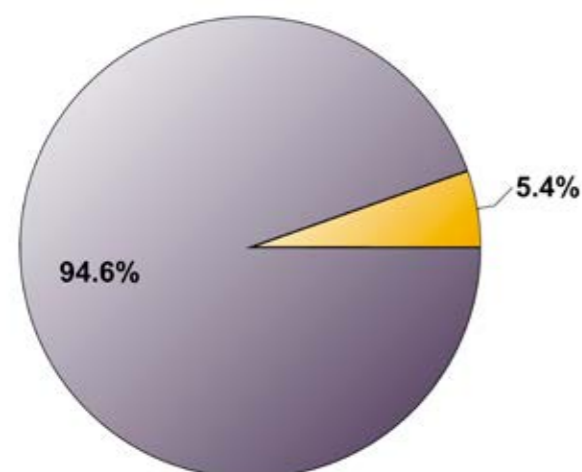
*“The State, through its competent institutions, will guarantee: a) the execution of awareness and education programs directed to parents and every person charged with the care, treatment, education or monitoring of children and adolescents, at both national and local levels; and, b) the promotion of positive, participative and non-violent forms of discipline as alternatives to physical punishment and other forms of humiliating treatment.” (Unofficial translation)*

In addition, article 1 of the amending law changes article 164 of the Code on Children and Adolescents to include in its definition of abuse that which is inflicted in the guise of discipline or correction.

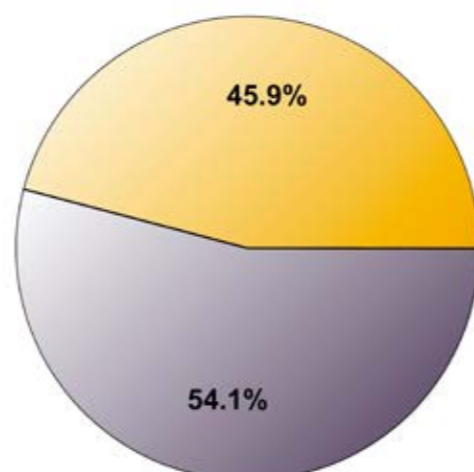


## Percentage of global child population protected in law from all corporal punishment

... in 2013

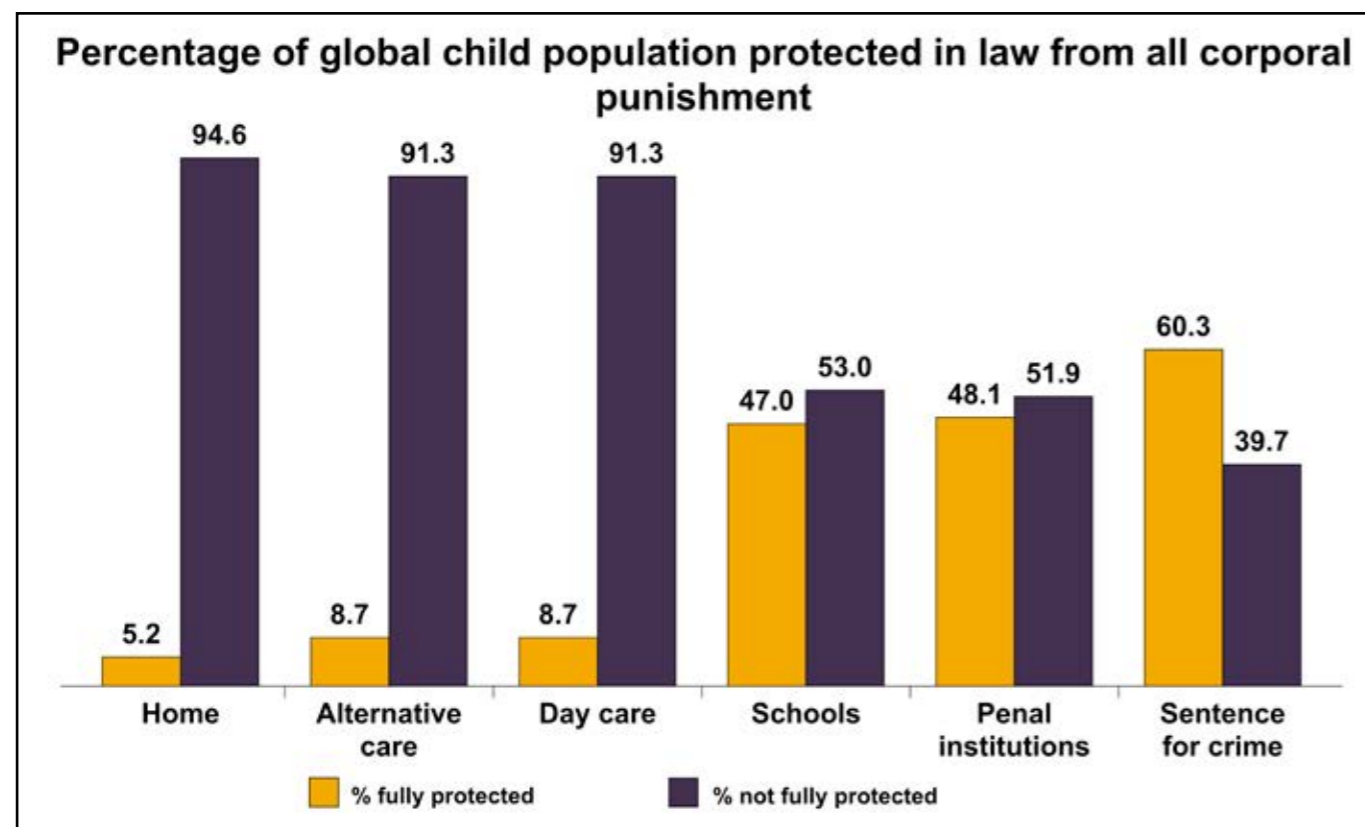
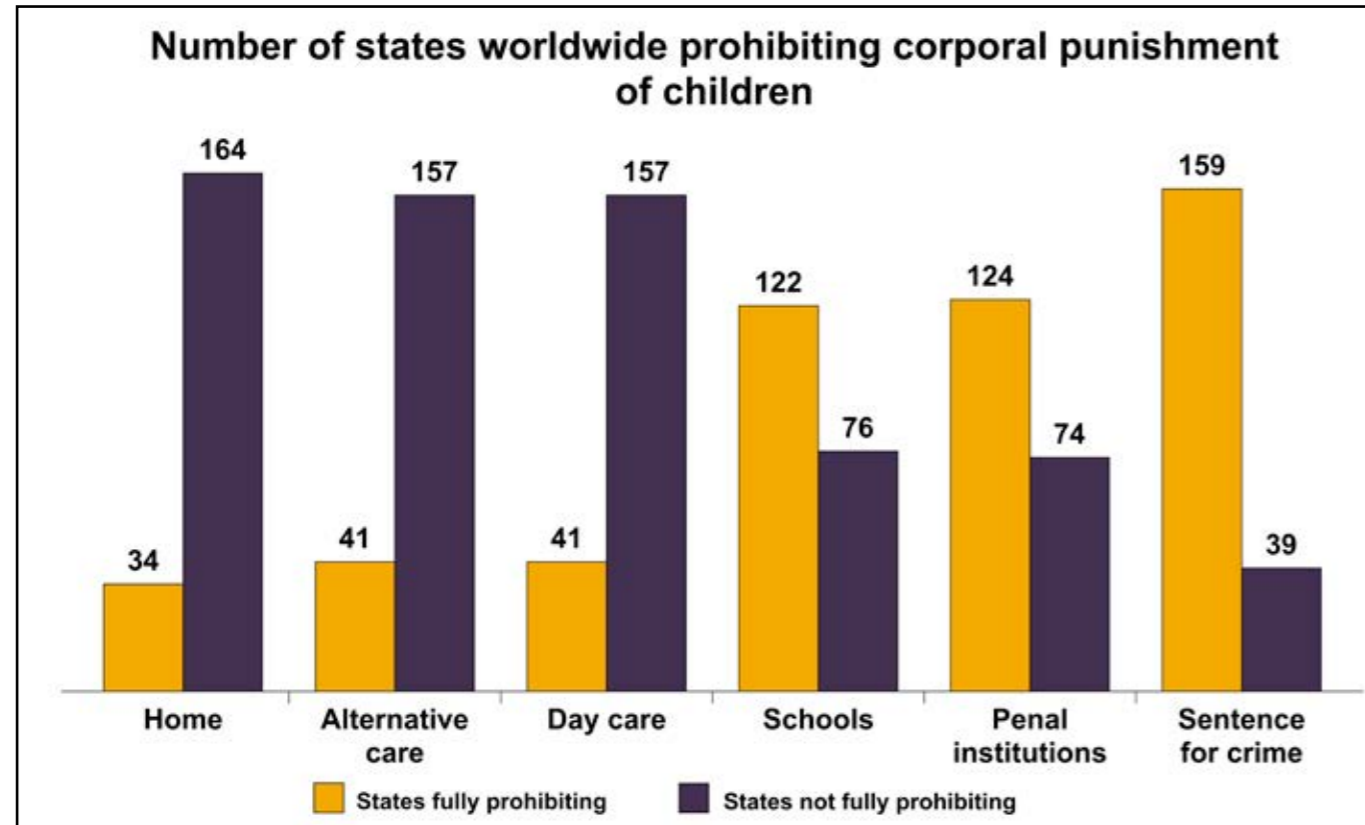


... if states now committed to full prohibition achieve it



## And lack of progress ...

There is much to celebrate but there is much to lament. Still, 94.6% of the world's children can lawfully be hit and hurt in their own homes by the adults charged with their care. In too many states, those children are also vulnerable to assault in their schools and other settings, as prohibition is still to be achieved in alternative care and day care in 157 states and in schools in 76 states. Children in conflict with the law face the prospect of being subjected to corporal punishment as a sentence for crime in 39 states and as a disciplinary measure in penal institutions in 74 states.



# Children's human rights – increasing pressure on states

## International human rights law requires prohibition of corporal punishment

The obligation under the Convention on the Rights of the Child and other human rights instruments to prohibit and eliminate all corporal punishment of children is well established. The UN treaty bodies, monitoring implementation by states of the international treaties they have ratified, continue to examine states' compliance with this obligation and to issue strong recommendations to governments to reform their laws to achieve this. To date (November 2013), the Committee on the Rights of the Child has made almost 360 recommendations to virtually all states. To states which are yet to complete the process of law reform, the Committee continues to recommend both prohibition and elimination of corporal punishment (290 recommendations to 155 states). To states which have prohibited corporal punishment in all settings, including the home, the Committee reviews and makes recommendations on measures to ensure the prohibition is implemented.

Treaty bodies monitoring implementation of other international instruments also confirm that ratifying their respective treaties entails an obligation to prohibit and eliminate corporal punishment. In 2013, recommendations to prohibit corporal punishment of children were made to states by the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women and the Committee on the Rights of Persons with Disabilities.

*"Article 37 of the Convention [on the Rights of the Child] requires States to ensure that 'no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment'. This is complemented and extended by article 19, which requires States to 'take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child'. There is no ambiguity: 'all forms of physical or mental violence' does not leave room for any level of legalized violence against children. Corporal punishment and other cruel or degrading forms of punishment are forms of violence and States must take all appropriate legislative, administrative, social and educational measures to eliminate them."*

(Committee on the Rights of the Child, General Comment No. 8, 2006)



## States respond to UPR recommendations

The recommendations of the treaty bodies impose cumulative pressure on governments to fulfil their human rights obligations. States are also reminded of the obligation to prohibit corporal punishment in the context of the Universal Periodic Review (UPR) of their overall human rights records – and in this context states must provide immediate responses to recommendations.

All states have been reviewed under the UPR process at least once: of those which have yet to prohibit all corporal punishment of children, more than 100 have received recommendations to do so during their UPR. The clear acceptance of these recommendations by 38 states signals a significant growth in the number of states positively committed to this fundamental reform for children. (Some states have expressed a clear commitment in contexts outside the UPR: for details see the tables on pages 35 to 44). The more ambiguous acceptance of UPR recommendations by other states (16), often coupled with an assertion that corporal punishment is already unlawful or with such a claim subsequently reported in another official context, suggests that work is still to be done in promoting an understanding that prohibiting corporal punishment means ensuring that children are legally protected from assault just as adults are, even if it is inflicted in the guise of “discipline” and however “light” it is considered to be. Nevertheless, these states’ acceptance of the recommendations provides a positive starting point for advocacy.

Many of the states which have rejected UPR recommendations to prohibit (29), have done so while claiming that their laws already prohibit corporal punishment, in conflict with the Global Initiative’s analysis. This highlights the need for further advocacy and awareness raising about the importance of legal clarity regarding prohibition, including the explicit repeal of all legal defences and justifications for the use of corporal punishment. Stronger action, including legal action, may be required to assert children’s right to protection in these states and in the small minority of states (6) which in their responses openly defend some level of corporal punishment.



### Government responses to UPR recommendations to prohibit all corporal punishment

Clear acceptance	Ambiguous acceptance	Rejection	Rejection openly defending corporal punishment
Algeria; Armenia; Azerbaijan; Bangladesh; Belize; Benin; Bolivia; Cape Verde; Chad; Ecuador; El Salvador; Estonia; India; Lithuania; Mongolia; Montenegro; Morocco; Nicaragua; Palau; Panama; Papua New Guinea; Peru; Philippines; Samoa; San Marino; Sao Tome; Serbia; Slovakia; Slovenia; South Africa; Tajikistan; TFYR Macedonia; Thailand; Timor-Leste; Turkey; Turkmenistan; Zambia; Zimbabwe	Andorra; Argentina; Belarus; Dominican Republic; France; Ghana; Guatemala; Japan; Jordan; Kuwait; Kyrgyzstan; Lesotho; Republic of Korea; Rwanda; Solomon Islands; Tuvalu	Antigua and Barbuda; Australia; Bahamas; Barbados; Belgium; Burkina Faso; Cameroon; Canada; Czech Republic; Eritrea; Ethiopia; Georgia; Grenada; Indonesia; Italy; Malta; Myanmar; St Lucia; St Vincent and the Grenadines; Sudan; Switzerland; Trinidad and Tobago; United Arab Emirates	Botswana; Dominica; Singapore; Tonga; UK; UR Tanzania

## Prohibiting corporal punishment is an essential aspect of fulfilling other human rights

### Access to justice

Prohibition of corporal punishment is a basic requirement for ensuring children’s access to justice. Where children cannot hold adults to account for violations of their rights – even the most basic of rights to respect for their physical integrity – by definition they cannot access justice. And where corporal punishment is lawful, the justice system is not only inaccessible to children but directly violates their rights, providing legal protection to those who assault children and even actively perpetrating violent punishment in penal institutions and as a sentence for crime.

Prohibition is important not only for children’s right to protection, but also because it is a powerful indicator of children’s status. Nothing is more symbolic of the low regard given to children than being the only people in society not legally protected from violent assault. Working for prohibition is a key part of any wider strategy to fulfil children’s right to access justice.

### Further information

- *Access to justice and ending violent punishment of girls* (Global Initiative Submission to the Committee on the Elimination of Discrimination against Women, 2013, <http://bit.ly/1dFM3AS>)
- *A focus on achieving effective remedies for violations of children’s rights* (Global Initiative Submission to inform the OHCHR report for the full day meeting of the Human Rights Council in March 2014 on “Access to justice for children”, <http://bit.ly/1vMyPj>)

### The right to education

As well as directly violating children’s right to respect for their human dignity and physical integrity, the legality and practice of corporal punishment in schools also violates children’s right to education. Children have a right to an education in line with the principles of human rights: a school in which they experience violent punishment can never provide this. Corporal punishment can discourage children from attending school and cause them to drop out. And research has found associations between school corporal punishment and poorer learning (see pages 12 to 13). Advocacy for prohibition of corporal punishment in schools and other settings is an essential element of work for children’s right to access education.

### Further information

- *Prohibiting all corporal punishment in schools: Global Report 2011* (Global Initiative thematic report, to be fully revised in 2014) (<http://bit.ly/1cQC8n2>)
- *Corporal punishment: a barrier to education for children with disabilities* (Global Initiative Submission to the OHCHR study on the right to education of persons with disabilities, 2013, <http://bit.ly/18bfZNG>)



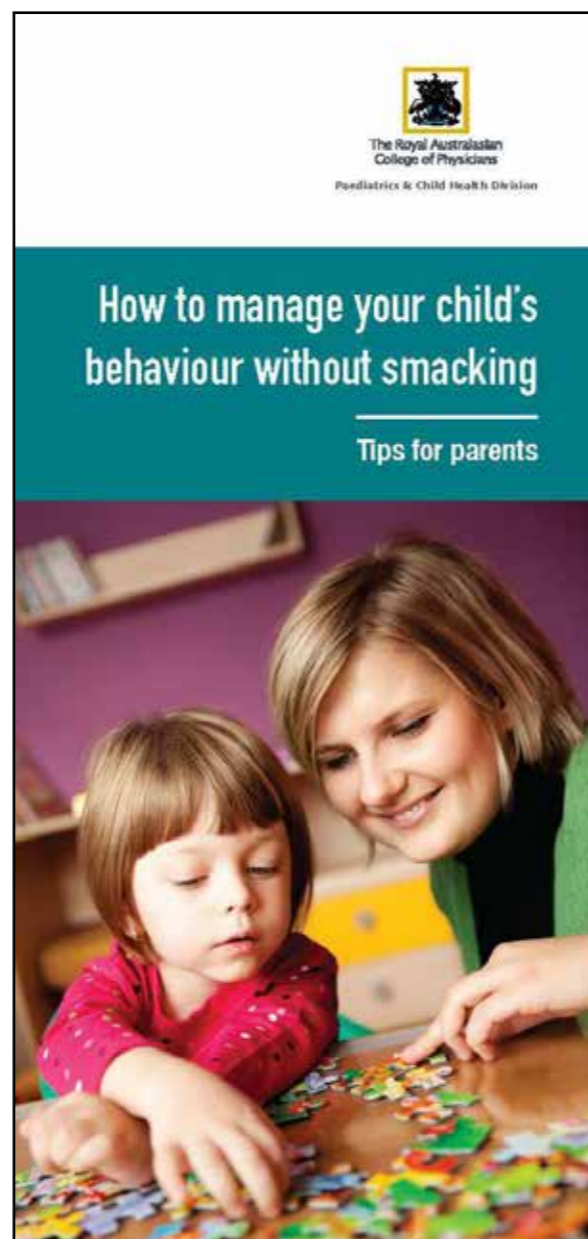
## The right to health

Human rights standards, professional opinion and the ever-increasing body of research on the topic reflect the consensus from those working across the health sector that prohibition and elimination of corporal punishment is essential for realising children's right to health.

In its General Comment No. 15 (2013) on "The right of the child to the enjoyment of the highest attainable standard of health (art. 24)" the Committee on the Rights of the Child reiterates states' obligation under the Convention to prohibit all corporal punishment. In March 2013, the annual Human Rights Council full day meeting on the rights of the child focussed on children's right to health. The report of the Office of the High Commissioner for Human Rights to the session emphasised the impact of corporal punishment on children's health<sup>1</sup> and the resolution arising from the meeting called upon all states to ensure that no child is subject to corporal punishment.<sup>2</sup>

In 2013, a group of prominent international health organisations supported a statement in support of the prohibition and elimination of all corporal punishment of children (see box on page 11). In the same year, presentations on prohibition were made at the International Congress of Pediatrics in **Australia** and the International Association for Adolescent Health World Congress in **Turkey**. National health professional organisations have also been active on the issue in 2013:

- The Paediatric and Child Health Division of the Royal **Australasian** College of Physicians launched a position statement on physical punishment of children calling for its prohibition in Australia. The statement notes human rights obligation to prohibit, the achievement of prohibition in New Zealand and the evidence that physical punishment is harmful to children, and suggests how health professionals can contribute to ending corporal punishment.
- The Child Abuse, Neglect and Child Labour Group of the **Indian** Academy of Pediatrics dedicated a special issue of its newsletter to "Ending corporal punishment", including articles about prohibiting and eliminating all corporal punishment, as follow up to a symposium on the topic held at the 2012 conference of the Indian Academy of Pediatrics.
- The **American** Psychoanalytic Association issued a position statement condemning corporal punishment of children by parents and others and calling for legislation to protect all children from physical punishment, as well as public education and research on the issue.



## Statement by international health organisations in support of prohibition and elimination of all corporal punishment of children

*"In light of the human rights consensus on children's right to legal protection from all violent punishment, we, as organisations working for the health of children and adults, support prohibition of all corporal punishment and all other cruel or degrading punishment of children, in the family home and all other settings.*

*"On the basis of the evidence of the harmful effects of corporal punishment on children, adults and societies, we believe that prohibition of corporal punishment, accompanied by measures to implement the prohibition and eliminate the use of corporal punishment in practice, is a key strategy to reduce all forms of violence against children and other violence in societies and to improve the physical and mental health and other developmental outcomes for children and adults.*

*"We therefore call on:*

- *all governments to work for the prohibition and elimination of all corporal punishment*
- *all organisations working for health to include the issue in their work."*

The statement is endorsed by the International Association for Adolescent Health, the International Council of Nurses, the International Council of Psychologists, the International Federation of Medical Students' Associations, the International Pediatric Association, the International Society for Social Pediatrics and Child Health, the International Society for the Study of Behavioural Development, the International Union of Psychological Science and the World Federation of Public Health Associations.

For further information on using the statement, which is accompanied by a background paper summarising research on the impact of corporal punishment, to promote prohibition, and to suggest other international organisations working on health and related issues who may wish to endorse the statement, contact [elinor@endcorporalpunishment.org](mailto:elinor@endcorporalpunishment.org).



<sup>1</sup> Human Rights Council (2013), *Report of the United Nations High Commissioner for Human Rights on the right of the child to the enjoyment of the highest attainable standard of health (A/HRC/22/31)*

<sup>2</sup> Human Rights Council (2013), *Rights of the child: the right of the child to the enjoyment of the highest attainable standard of health (A/HRC/22/L.27/Rev.1)*

## How research supports the human rights imperative to prohibit

Evidence of the negative impact of corporal punishment lends extra force to the call for prohibition by showing how violent punishment breaches not only children's right to freedom from violence, but also their rights to health, development and education (see below). Prevalence and attitudinal research makes visible the nature and scale of corporal punishment, challenging government claims that it is not a problem and, in states where it is prohibited, supporting governments in their efforts to enforce the law by providing evidence of its decline in use and public acceptance (see pages 14 to 15).

### The effects of corporal punishment – what the research says

A major 2002 meta-analysis of 88 studies found associations between corporal punishment by parents and ten negative outcomes.<sup>1</sup> Since then, the already large and consistent body of evidence on the topic has been further augmented. The evidence is now overwhelming – more than 150 studies show associations between corporal punishment and a wide range of negative outcomes; no studies have found evidence of any benefits.

Evidence shows that the impact of corporal punishment includes:

**Direct physical harm:** Corporal punishment kills thousands of children each year, injures many more and is the direct cause of many children's physical impairments.<sup>2</sup> Research has consistently found that the majority of incidents substantiated by authorities as physical "abuse" are cases of physical punishment.<sup>3</sup> All ten of the studies on child protection in the meta-analysis found that corporal punishment was significantly associated with physical "abuse"; other studies have found similar associations.<sup>4</sup>

**Increased aggression in children:** All 27 studies on the topic in the meta-analysis found this association, and it has been confirmed by numerous other studies: children who have experienced corporal punishment are more likely to be aggressive towards their peers<sup>5</sup> and parents,<sup>6</sup> to bully and to experience violence from their peers<sup>7</sup> and to use violent methods to resolve conflict.<sup>8</sup>

**Poor moral internalisation and increased antisocial behaviour:** Far from teaching children how to behave, corporal punishment makes it less likely that they learn what adults want them to learn. The meta-analysis found that although corporal punishment may be associated with immediate compliance, it does not contribute to the desired behavioural change in the long-term. Indeed, corporal punishment is associated with behaviours such as bullying, lying, cheating, running away, truancy, school behaviour problems and involvement in crime as a child and young adult.<sup>9</sup> Corporal punishment can reduce empathy<sup>10</sup> and moral regulation.<sup>11</sup> The effects persist into adulthood: experience of corporal punishment in childhood is associated with aggressive, antisocial and criminal behaviour as an adult.<sup>12</sup>

**Increased risk of involvement in domestic violence:** Corporal punishment is closely related to intimate partner violence, and often coexists with it.<sup>13</sup> Experience of corporal punishment as a child was associated with violence towards a partner or child as an adult in all studies on the topic included in the meta-analysis<sup>14</sup> and the associations with perpetration and approval of intimate partner violence have been confirmed in other studies.<sup>15</sup> Associations have been found between experiencing corporal punishment as a girl and being

a victim of partner violence as an adult<sup>16</sup> and between boys' experiences of corporal punishment and their inequitable gender attitudes as adults.<sup>17</sup>

**Mental harm:** Corporal punishment is emotionally painful and its links to poor mental health are well established. Associations have been found with behaviour disorders, anxiety disorders, depression, hopelessness,<sup>18</sup> suicide attempts, alcohol and drug dependency, low self-esteem, hostility and emotional instability<sup>19</sup> in children and adolescents. Similar associations have been found in adulthood, as well as associations with major depression, mania and personality disorders.<sup>20</sup>

**Indirect physical harm:** The negative effects of corporal punishment on mental health may also impact on physical health. Associations have been found between corporal punishment and children feeling that their health is poor, experiencing physical illnesses such as asthma, suffering injuries and accidents, being hospitalised and developing habits which put their health at risk, such as smoking, fighting and alcohol consumption.<sup>21</sup>

**Impaired cognitive development:** Associations have been found between corporal punishment and lower IQ scores,<sup>22</sup> smaller vocabularies,<sup>23</sup> poor cognitive abilities<sup>24</sup> and poor performance at school.<sup>25</sup>

**Damage to the parent-child relationship:** In the meta-analysis, all studies on the topic found an association between corporal punishment and a decrease in the quality of parent-child relationships. Other studies have found that corporal punishment is associated with poor attachment by babies to their mothers<sup>26</sup> and with poor family relationships in adolescence<sup>27</sup> and young adulthood.<sup>28</sup>



### Effects research ctd

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#### Further information

Global Initiative (2013), *Review of research on the effects of corporal punishment* (full version <http://bit.ly/16nZoUQ>; summary version <http://bit.ly/1fOKwsw>)



## Prevalence and attitudinal research on corporal punishment

New reports and data continue to make visible the enormous scale of violent punishment in all world regions and all settings of children's lives.

Between 2005 and 2011, UNICEF collected statistics on violent punishment of children in 49 low- and middle-income countries. The results, reported in UNICEF's 2013 *State of the World's Children* report, show that in nearly all countries over 60% of 2-14 year olds had experienced violent punishment (physical punishment and/or psychological aggression) in the home in the month prior to the survey. In 12 countries, the figure is 90% or more: **Cameroon, Central African Republic, Côte d'Ivoire, DR Congo, Egypt, Gambia, Ghana, Liberia, Morocco, Palestine, Togo and Yemen**; in 13 countries, 80- 89%: **Algeria, Belarus, Burkina Faso, Chad, Guinea-Bissau, Iraq, Jamaica, Kiribati, Lebanon, Sierra Leone, Suriname, Swaziland and Syrian Arab Republic**; and in 15 countries, 70-79%: **Afghanistan, Albania, Armenia, Azerbaijan, Benin, Djibouti, Fiji, Guyana, Lao PDR, Solomon Islands, Tajikistan, Trinidad and Tobago, Ukraine, Vanuatu and Viet Nam**.<sup>1</sup>

In **Ireland**, a 2013 study of nearly 10,000 three year olds found that 45% of them were sometimes "smacked" by their primary caregiver.<sup>2</sup> In a study in **Lithuania**, 43.2% of more than 1,000 parents said they slapped their children.<sup>3</sup> In **Sri Lanka**, a study involving nearly 200 parents found that 76.3% had physically punished their child in the past month.<sup>4</sup>

There is abundant evidence of school corporal punishment. In **Japan**, a government survey found that more than 5,000 teachers inflicted corporal punishment on more than 10,000 students between April 2012 and January 2013.<sup>5</sup> In a 2013 study in **Pakistan**, 67% of teachers "fully" or "partially" agreed that physical punishment was necessary for most children. Students said they were punished by being beaten with a stick or ruler, slapped on the face or head, forced to stand or sit in an uncomfortable position and kicked.<sup>6</sup> A UNICEF study in **Myanmar** found that 82% of students were beaten if they "did something wrong".<sup>7</sup> In 2012, studies in **Australia** found that children with disabilities were subjected to painful and humiliating "restrictive practices", including being thrown to the ground and pinned down, solitary confinement and chemical restraint, in both mainstream and "special" schools.<sup>8</sup>

### States with little or no research

Inquiries by the Global Initiative suggest that in 55 states little or no research into corporal punishment of children has been carried out in the past ten years: Andorra; Angola; Antigua and Barbuda; Bahrain; Bhutan; Botswana; Brunei Darussalam; Burundi; Cape Verde; Comoros; Congo, Republic of; Cook Islands; Cuba; Cyprus; Dominica; El Salvador; Eritrea; Gabon; Greece; Grenada; Guinea; Honduras; Hungary; Iran; Kuwait; Libyan Arab Jamahiriya; Lesotho; Liechtenstein; Luxembourg; Malta; Marshall Islands; Mauritania; Mauritius; Monaco; Nauru; Netherlands; Niger; Niue; Palau; Panama; Papua New Guinea; Portugal; Russian Federation; Qatar; Samoa; San Marino; Sao Tome and Principe; Seychelles; Slovakia; South Sudan; St Kitts and Nevis; Turkmenistan; Tuvalu; Uzbekistan; Western Sahara. Please let us know if you are aware of relevant research in these states (email [elinor@endcorporalpunishment.org](mailto:elinor@endcorporalpunishment.org)).

Children experience corporal punishment in penal and care institutions. A 2013 study in **Indonesia** found that migrant children in detention were beaten, kicked, slapped, punched, burned with cigarettes and assaulted with electroshock weapons.<sup>9</sup> A 2013 shadow report to the Committee on the Rights of the Child on **Kyrgyzstan** documented that children in detention centres, special schools and residential institutions were beaten, forced to do physical exercise, suffocated and deprived of sleep.<sup>10</sup> In **Peru**, a 2012 assessment of alternative care for children found that children in residential care experienced physical punishment including limitation of food and were also punished by having their free time or study time reduced, being forced to do domestic work and having family visits limited or stopped.<sup>11</sup>

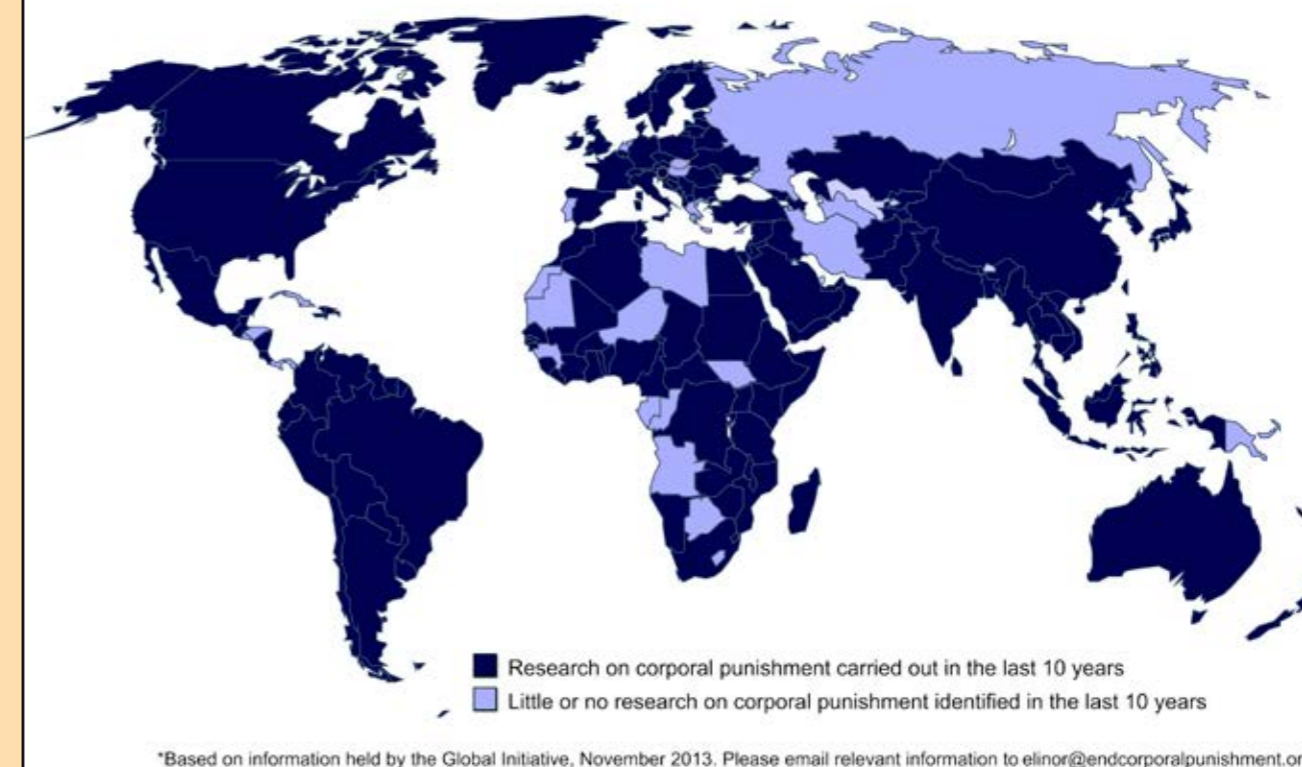
### The good news

Despite the experience of children in the majority of countries, the news from research is not all bad. In many countries which have prohibited corporal punishment, research shows declining rates of perpetration and approval of corporal punishment.

In **Finland**, where prohibition was achieved in 1983, a series of six nationally representative surveys carried out between 1981 and 2012 show a consistent decline in adult acceptance of corporal punishment: from 47% in 1981 to 17% in 2012. In the 2012 survey, 10% of parents agreed that corporal punishment of children was acceptable and 97% of parents were aware of the prohibition of corporal punishment.<sup>12</sup> In **New Zealand**, which achieved full prohibition of corporal punishment in 2007, a 2013 survey found that a large majority of respondents (93%) were aware of the prohibition and that acceptance of physical punishment of children was declining steadily. In 2013, 40% of respondents thought it was sometimes alright for parents to physically punish children, compared to 58% in 2008, more than 80% in 1993 and more than 90% in 1981.<sup>13</sup>

## Prevalence/attitudinal research ctd

### Research into corporal punishment of children\*



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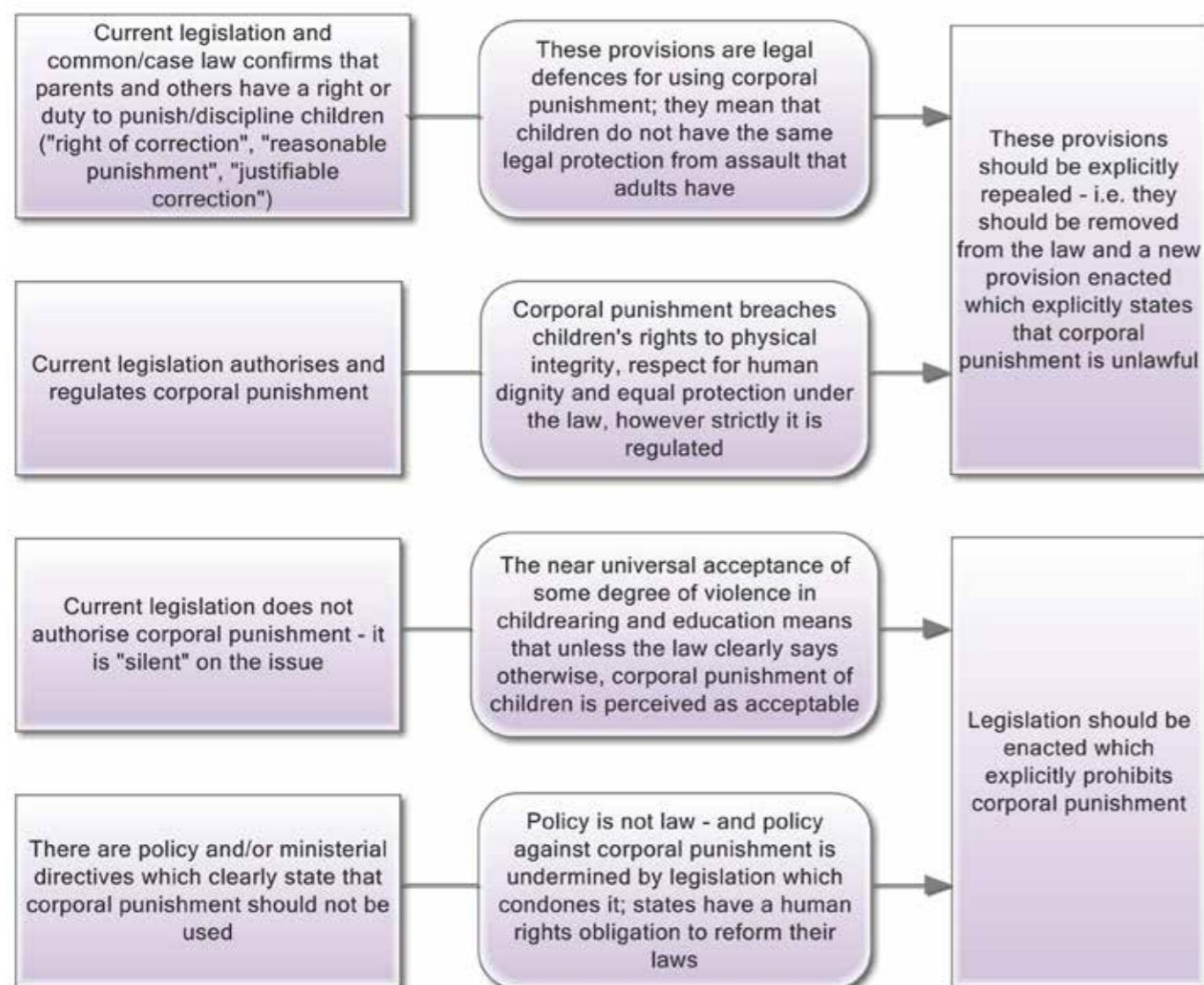
# Reforming the law to prohibit corporal punishment

*“In the light of the traditional acceptance of violent and humiliating forms of punishment of children, a growing number of States have recognized that simply repealing authorization of corporal punishment and any existing defences is not enough. In addition, explicit prohibition of corporal punishment and other cruel or degrading forms of punishment, in their civil or criminal legislation, is required in order to make it absolutely clear that it is as unlawful to hit or ‘smack’ or ‘spank’ a child as to do so to an adult, and that the criminal law on assault does apply equally to such violence, regardless of whether it is termed ‘discipline’ or ‘reasonable correction’.*

*“Once the criminal law applies fully to assaults on children, the child is protected from corporal punishment wherever he or she is and whoever the perpetrator is...”*

Committee on the Rights of the Child, General Comment No. 8 (2006)

## Prohibiting all corporal punishment of children



## Using immediate opportunities for law reform

Ensuring that children are legally protected from assault just as adults are – achieving “equal protection” – is straightforward in terms of legal drafting. The challenge lies in confronting deep rooted beliefs that adults have a right or a duty to hit children in the name of “discipline”, that corporal punishment is somehow not a violent act, and so on. But legal change can often be the greatest driver of social change. Many governments can attest to this on many issues, and when it comes to prohibiting corporal punishment all states which have achieved prohibition in all settings have done so ahead of public opinion – as we have already seen (page 14), public support for corporal punishment then declines.

For law reform to play its part in transforming society and ending children’s subjection to corporal punishment and adult approval of it, it is vital that opportunities are taken to begin the process. In the majority of states, across all regions, laws relating to children are being revised and redrafted, and always – whether overtly or implicitly – against a backdrop of the state’s duty to harmonise its legislation with the human rights instruments it has ratified. These processes of law reform provide immediate opportunities for prohibiting corporal punishment of children. So-called “model” laws have been presented to some states to encourage law reform: not all of these include prohibition of corporal punishment but in prompting states to examine their national child laws they nevertheless provide the opportunity for states to enact prohibiting legislation.

Too often, however, opportunities are missed. It is a shocking fact that since the publication in 2006 of the recommendations of the UN Study on Violence against Children, which included the recommendation to prohibit corporal punishment of children in all settings as a matter of priority, new laws on domestic violence have been passed in at least 70 states, yet in only two – Greece and Poland – did they prohibit all violent punishment of children in the home. In at least 50 states, major child protection/child rights laws have been enacted during

the same period: prohibition of corporal punishment in all settings was achieved or confirmed in 13 of these, and in 14 corporal punishment was prohibited in one or more settings outside the home, but in 29 there was no prohibition of corporal punishment. Most shockingly, in six states the new laws actually authorise corporal punishment and/or provide a legal defence for its use in childrearing.

The tables on pages 18 to 24 show the immediate opportunities for enacting prohibition of corporal punishment in all regions. It is encouraging that in at least 25 states the draft laws/Bills under discussion include provisions which would prohibit corporal punishment. Significantly, there are current opportunities for enacting prohibition in the majority of states which are committed to it. **Immediate advocacy is needed to ensure that the prohibiting clauses are retained in the laws as they are adopted and to lobby for inclusion of prohibition in draft laws/Bills in other states.** The Global Initiative will freely provide technical support and assistance: email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org).



### Why family protection/domestic violence laws should prohibit corporal punishment

“Family protection” and “domestic violence” bills are actively under consideration in states across all regions (see pages 18 to 24). These provide key opportunities for prohibiting corporal punishment of children. Yet too often “family protection” is perceived as addressing domestic violence in terms of protection for women from all violence in the home but protecting children only from witnessing such violence or, sometimes, from forms of violence which are considered to constitute “child abuse”. But “family protection” should by definition protect all members of the family from violence – girls, boys, women and men.

It is sometimes argued by those who favour the use of physical punishment in childrearing that the job of parenting is a private affair, and the state should not interfere. Yet the concept of a law on family protection clearly recognises that violence in the home is not a private matter: the state has an obligation to prevent it, including by prohibiting it. What can be the justification for protecting women in the home but leaving children in that same home vulnerable to violent punishment? And failure to prohibit corporal punishment of children in the home can only undermine the effectiveness of the protection for adults, making the home less safe for everyone.

**A Family Protection Law or a Domestic Violence Law which does not explicitly prohibit all corporal punishment of children fails to protect the most dependent and vulnerable members of the family. A home where it is lawful to “discipline” children by hitting and hurting them – however lightly – can never be completely safe or violence-free.**

## Opportunities for enacting prohibition of corporal punishment

Note: States marked with an asterisk have expressed a commitment to prohibiting all corporal punishment of children.

State	Opportunities for enacting prohibition	Proposals for prohibition
*Algeria	Child Protection Bill under discussion; Criminal Code and Code of Criminal Procedure under review	No known proposals
Angola	Penal and Family Codes under review; draft Code of Criminal Procedure under discussion; legislation on the prison system being drafted	Draft Penal Code punishes "cruel treatment" but not all corporal punishment; other details not known
*Benin	Draft Children's Code and Revised Criminal Code under consideration	Prohibition included in draft Children's Code
*Burkina Faso	Draft Child Protection Code under discussion; Criminal Code and Code on the Person and the Family under review	Prohibition included in draft Child Protection Code
Burundi	Draft Code on Child Protection under discussion	Inclusion of prohibition under discussion
Cameroon	Draft Family Code under discussion; Penal Code under review	Early drafts provided for respect for dignity but did not prohibit all corporal punishment
*Cape Verde	Draft Code on Children and Adolescents under discussion	No known proposals
Central African Republic	Draft Family Code and draft Child Protection Code under discussion; Criminal Code being revised	Prohibition reportedly included in draft Family Code (unconfirmed)
*Chad	Draft Child Protection Code, draft Code on the Person and the Family, Bill to amend Criminal Code, draft revised Code of Criminal Procedure, Bill on violence against women under discussion	No known proposals
Côte d'Ivoire	Personal and Family Code, Criminal Code and Criminal Procedure Code under review; draft new Family Code under discussion	No known proposals
Djibouti	Family Code under review	No known proposals
DR Congo	Draft revised Family Code under consideration	No known proposals
Equatorial Guinea	Constitution under review; draft Children's Code and draft amendments to Civil Code under discussion	No known proposals
Gabon	Code of Social Action being drafted	No known proposals
Gambia	Domestic Violence Bill under discussion	No known proposals
Ghana	Constitution under review	Prohibition not proposed
Guinea	Laws relating to judicial system under review and draft revised Civil Code under consideration	No known proposals
Guinea-Bissau	Domestic Violence Bill under discussion, Code on Protection of Children planned; bill to prohibit corporal punishment being drafted	Prohibition proposed in corporal punishment bill
Lesotho	Domestic Violence Bill being drafted	No known proposals
Libyan Arab Jamahiriya	Juvenile Justice Law being drafted	No information on draft law but Government has stated intention to repeal judicial corporal punishment
Madagascar	Bill on the protection of children in conflict with the law under discussion	No known proposals

State	Opportunities for enacting prohibition	Proposals for prohibition
Malawi	Compulsory Education Bill and Marriage, Divorce and Family Relation Bill under discussion; Constitution under review	Education Bill possibly includes prohibition
*Mauritius	Children's Bill under discussion; review of Constitution planned; Rules being drafted under the Protection from Domestic Violence (Amendment) Act 2007	Prohibition included in Children's Bill
*Morocco	Domestic Violence Bill being drafted	No known proposals
Mozambique	Draft Penal Code under discussion; Constitution under review	Draft Penal Code includes partial prohibition
Namibia	Child Care and Protection Bill and Child Justice Bill under discussion; regulations under Child Care and Protection Bill being drafted	Child Care and Protection Bill confirms prohibition in schools, penal system and care settings
*Niger	Draft Children's Code under discussion; Family Code being drafted	Prohibition included in draft Children's Code
Nigeria	Violence Against Persons Bill, Administration of Criminal Justice Bill, Prison Reform Bill and Domestic Violence Bill under discussion; state child rights laws under consideration; Children and Young Persons Laws, Penal Code, Criminal Procedure Code and Shari'a Penal Code under review	State child rights laws potentially prohibit in penal system
*Sao Tome and Principe	Civil Code and Family Law under review	No known proposals
Senegal	Draft Children's Code under discussion; Family Code and Penal Code under review	No known proposals but Government has indicated it has a national plan to prohibit corporal punishment in law
Seychelles	Civil Code under review; Domestic Violence Bill being drafted	No known proposals
Sierra Leone	Constitution under review; Correctional Services Bill under discussion	No known proposals
Somalia	Puntland juvenile justice law being drafted	No known proposals
*South Africa	Children Act under review	Proposals to prohibit supported by Dept of Social Development
Sudan	Rules under the Child Act being drafted; state child bills under discussion in Blue Nile, North Darfur and Gezira	No known proposals
Swaziland	Domestic Violence and Sexual Offences Bill under consideration; education legislation being reviewed	No known proposals
*Uganda	Children's Act (Amendment) Bill under discussion	Prohibition included in Children (Amendment) Bill
UR Tanzania	Constitution under review	No known proposals
*Zambia	Child Justice Administration Bill and draft Constitution under discussion	Prohibition included in draft Constitution
*Zimbabwe	Legislation authorising corporal punishment in schools under review	No known proposals

The Americas and Caribbean

State	Opportunities for enacting prohibition	Proposals for prohibition
Argentina	Civil Code Bill under discussion	Bill includes prohibition
Bahamas	Constitution under review; Disabilities Bill under consideration	No known proposals
Barbados	Education Act and Regulations and all child legislation being reviewed	No known proposals; in 2008 Minister of Education was unofficially advocating prohibition in schools
*Bolivia	Children and Adolescents Code under revision	No known proposals
*Brazil	Bill to amend Code on Children and Adolescents under discussion	Proposed amendments would prohibit all corporal punishment
Cuba	Draft Family Code under discussion	No known proposals but Government has stated that the draft Family Code would remove the provision for "adequate and moderate correction"
Dominican Republic	Civil Code and Penal Code being revised	No known proposals
*Ecuador	Draft amendments to Criminal Code and draft laws on indigenous justice under discussion	No known proposals
Grenada	Juvenile Justice Act, Child Protection Act and Education Act under review; draft new Constitution under discussion	No known proposals
Guyana	Education Bill and Regulations under discussion	Inclusion of prohibition in Education Bill being considered
Haiti	Code on Children and Family Code under discussion	No known proposals
Jamaica	New schools legislation being drafted; Jamaica Teaching Council Bill and amendments to Offences Against the Person Act under discussion; Child Care and Protection Act under review	No known proposals but Government has stated intention to prohibit in schools and review of Child Care and Protection Act will include a review of legality of corporal punishment in the home
Mexico	Draft Law on the Protection of the Rights of the Child and draft amendments to the Federal Criminal Code under discussion	No known proposals
*Nicaragua	Family Code Bill under discussion	Bill would prohibit corporal punishment (unconfirmed)
*Panama	Drafting of a law on the promotion and integral protection of the family under discussion	No known proposals
Paraguay	Bill which would prohibit corporal punishment under discussion	Bill would prohibit all corporal punishment
*Peru	Bill to amend Code on Children and Adolescents under discussion	Proposed amendments would prohibit corporal punishment

East Asia and Pacific

State	Opportunities for enacting prohibition	Proposals for prohibition
Cambodia	Draft Juvenile Justice Law under discussion	No known proposals
Cook Islands	Draft new Crimes Act and Family Law Bill under discussion	No known proposals
Fiji	New Constitution under discussion	No known proposals
Indonesia	Draft Criminal Code under discussion	No known proposals but Government has stated it has a programme to prohibit in the home and schools; draft Criminal Code would authorise judicial corporal punishment
Japan	Civil Code being revised	No known proposals
Kiribati	Child, Young People and Family Welfare Bill and Family Peace Bill under discussion	No known proposals
Malaysia	Child Act under review	No known proposals but Government has stated intention to repeal provisions for judicial caning of boys
*Mongolia	Draft Law on Crime under discussion; Law on Protection of Children's Rights, Family Law and Domestic Violence Law being revised	Prohibition is being discussed
Myanmar	Child Law under review	No known proposals
Nauru	Constitution and Criminal Code under review	No known proposals
Niue	Family Protection Bill being drafted	Details of Bill not known but Government has reported that it aims to prohibit corporal punishment
*Palau	Family Protection Bill under discussion	No known proposals
*Philippines	Positive and Nonviolent Discipline of Children Bill and other Bills which would prohibit corporal punishment under discussion	Prohibition included in all Bills
Republic of Korea	Laws being drafted for day care centres	No known proposals
*Samoa	Child Care and Protection Bill under discussion	No known proposals
Solomon Islands	Family Protection Bill and draft Federal Constitution under discussion	No known proposals
*Timor-Leste	Draft Child Code under discussion	Draft includes prohibition in all settings
Tuvalu	Family Protection and Domestic Violence Bill under discussion; Education Act under review	No known proposals but Government has said that corporal punishment is being addressed in the context of these reforms
Vanuatu	Young Offenders Bill possibly under discussion	No known proposals
Viet Nam	Draft amendments to Law on the Protection, Care and Education of Children under discussion; Penal Code and Criminal Procedure Law being reviewed	Prohibition is being discussed

State	Opportunities for enacting prohibition	Proposals for prohibition
Andorra	Law on gender-based violence being drafted	No known proposals
*Armenia	Domestic Violence Bill, amendments to Family Code and draft amendments to Criminal Code under discussion	Government has stated that amendments to Family Code would prohibit
*Azerbaijan	Draft Law on Protection of Children against All Forms of Corporal Punishment under discussion	Draft law would prohibit
Belarus	Draft Law on Prevention of Domestic Violence, draft Presidential Decree on juvenile justice, amendments to Criminal Code and Code of Criminal Procedure and amendments to Marriage and Family Code under discussion	No known proposals
Bosnia and Herzegovina	Law on Social Protection and Law on Protection of Families with Children being drafted	No known proposals but Government stated measures were being taken to draft legislation prohibiting corporal punishment in institutions and alternative care settings
Czech Republic	Draft Bill on Social and Legal Protection of Children under discussion	No known proposals
*Estonia	Amendments to Child Protection Act under discussion	Government has stated that amendments would prohibit
Georgia	Draft Law on Domestic Violence and draft amendments to Civil Code under discussion	No known proposals
Italy	Juvenile Justice Bill (Bill No. 3912) and Bill concerning parental responsibility (Bill No. C3755) under discussion	No known proposals
*Lithuania	Child Protection Bill under discussion	Bill includes prohibition
*Montenegro	Draft Law on Juvenile Delinquency under discussion; amendments to Criminal Code planned	No known proposals but Government has stated intention to prohibit in all settings
Russian Federation	Law on Domestic Violence being drafted	No known proposals
*San Marino	Amendments to Criminal Code planned	Government stated amendments would prohibit
*Serbia	Draft Law on the Rights of the Child under discussion	Government stated that draft Law on the Rights of the Child would prohibit in all settings
*Slovakia	New Family Code being drafted	No known proposals
*Slovenia	Drafting of new family law planned	Draft Family Code will reportedly include prohibition
UK	Social Services and Well-Being Bill under discussion in Wales; Children and Young People (Scotland) Bill under discussion in Scotland	Welsh Government is resisting pressure to include prohibition; prohibition not included in Scotland Bill
Uzbekistan	Amendments to Family Code possibly under discussion	No known proposals

State	Opportunities for enacting prohibition	Proposals for prohibition
Bahrain	Law on Civil Society, Law on Personal Status, amendments to Constitution and draft Domestic Violence Law under discussion	No known proposals
Iran	Family Protection Bill, Bill on Islamic Penal Law, Bill for Establishment of Children and Juveniles Courts and Bill for Investigation of Offences of Children and Juveniles under discussion	No known proposals
Iraq	Law on domestic violence being drafted	No known proposals
Jordan	Draft Juveniles Law under discussion; law on child rights being drafted	No known proposals
Kuwait	Draft Child Act under discussion	No known proposals; Government has stated that draft prohibits cruel and degrading treatment
Lebanon	Family Violence Bill and Child Protection Bill under discussion; Penal Code and Law 422 on Juvenile Justice under review	No known proposals
Oman	Law on the Rights of the Child being drafted	No known proposals
Palestine	Draft Constitution, draft Social Affairs Law, draft amendments to Child Law, draft Penal Code and draft Juvenile Justice Law under discussion	No known proposals
Qatar	Children Bill under discussion	No known proposals
Saudi Arabia	Regulations implementing the Child Protection Act being drafted; draft Alternative Penalties Act under discussion	No known proposals
Syrian Arab Republic	Child Rights Bill and Bill on penal and correctional facilities under discussion; review of laws relating to juvenile justice planned	No known proposals
United Arab Emirates	Child Protection Bill under discussion	No known proposals
Yemen	Draft amendments to Children's Rights Act and Criminal Code under discussion; Constitution under review	No known proposals

State	Opportunities for enacting prohibition	Proposals for prohibition
*Afghanistan	Penal Code being revised; possibility of a new child law and/or revision of existing child-related legislation being discussed; draft Family Code under consideration	No known proposals
*Bangladesh	Draft Education Act and new Family Code under discussion	Draft Education Act possibly includes prohibition
*Bhutan	Rules under the Child Care and Protection Act being drafted	No known proposals
*India	Juvenile Justice (Amendment) Bill under consultation; Jammu and Kashmir Juvenile Justice (Care and Protection of Children) Bill under discussion	Proposed amendments to Juvenile Justice Act would prohibit
*Maldives	Children Bill being drafted and children's home regulations being drafted; draft Juvenile Justice Bill, Domestic Violence Bill, Education Bill, Prison and Parole Bill, Evidence Bill and Criminal Procedure Bill and draft Penal Code under discussion	Government has stated that Children's Bill would prohibit in all settings, but draft Penal Code authorises judicial corporal punishment
*Nepal	Child Rights Bill, Civil Code Bill, Education Bill and Criminal Code Bill under consideration; new Constitution being drafted	Prohibition reportedly included in Child Rights Bill but Civil Code Bill possibly permits corporal punishment
*Pakistan	National and provincial Child Protection Bills and Prohibition of Corporal Punishment Bill under discussion; Zina laws being reviewed	Bills prohibit corporal punishment but application to all settings unconfirmed
*Sri Lanka	Laws being drafted for inspection of childcare institutions and on early childhood care and development; Child Protection Bill and amendments to Children and Young Persons Ordinance, juvenile justice laws, Orphanages Ordinance and Constitution planned	No known proposals but National Action Plan for Promotion and Protection of Human Rights provides for prohibition in schools

South Asia

# Promoting prohibition – national and international campaigns

## Intergovernmental organisations

The **Council of Europe's** "Raise your hand against smacking" campaign ([www.coe.int/t/dg3/children/corporalpunishment](http://www.coe.int/t/dg3/children/corporalpunishment)) works for abolition of corporal punishment in all settings in the 47 Council of Europe member states. The Council has developed tools for the use of governments, parliaments, local authorities, professional networks, civil society and others caring for children to support the protection of children and the promotion of prohibition and elimination of corporal punishment throughout the region. Since the launch of the campaign in 2008, five Council of Europe member states have joined the list of states which have achieved prohibition in all settings, bringing the total number of member states to have done so to 23.

The **South Asia Initiative to End Violence Against Children**, an Apex Body of the South Asian Association for Regional Cooperation (SAARC), runs the "Equal Protection for Children" campaign, launched in 2012 ([www.saievac.org/cp](http://www.saievac.org/cp)). The expected outcomes of the campaign are clear prohibition in legislation of all corporal punishment and other forms of cruel or degrading punishment of children in all settings of their lives, the recognition of corporal punishment as a harmful practice and the adoption of positive, non-violent parenting, caring and education in the eight SAARC member states.



## International organisations

In 2013, **UNICEF** launched the new "#ENDviolence against children" initiative ([www.unicef.org/endviolence](http://www.unicef.org/endviolence)), which includes work to address the legal use of corporal punishment in the home and other settings.

**Save the Children** ([www.savethechildren.net](http://www.savethechildren.net)) works towards eliminating all forms of physical and other humiliating punishment of children in the home, schools and all other settings, through advocating for legal reform and supporting awareness raising initiatives to change practice and attitudes. Corporal punishment is a priority area of the Global Child Protection Initiative, launched in 2009, which aims to improve the lives of 21 million children through child protection measures by 2015. Save the Children works in around 120 countries worldwide.

**Plan International** ([www.plan-international.org](http://www.plan-international.org)) is working against corporal punishment internationally in the context of its programmes on education and early years care and development.

The **Child Rights International Network** ([www.crin.org](http://www.crin.org)) highlights ending corporal punishment in its e-newsletters. It actively campaigns to end inhuman sentencing – including sentencing to corporal punishment (whipping, flogging, caning, amputation) – of child offenders in the 39 states where this is lawful.

Across Africa, three regional initiatives are working for an end to corporal punishment in all settings: the **Save the Children Initiative in East and Central Africa**, the **Southern African Network to End Corporal and Humiliating Punishment of Children** ([www.rapcan.co.za/sanchpc](http://www.rapcan.co.za/sanchpc)) and the **West Africa Regional Offices' Violence against Children Project**, a joint initiative of Plan International and Save the Children. **ActionAid** is working for an end to school corporal punishment in many African countries, including lobbying for law reform, promoting positive discipline and working for the implementation of existing prohibitions.

## Coalitions formed to address corporal punishment

The members of national coalitions which have been specifically formed to work against corporal punishment include national NGOs, NHRIs, professional organisations, government bodies and others.

In **Brazil**, the Educate, Do not Punish Network (Rede Não Bata, Eduque! [www.naobataeduque.org.br](http://www.naobataeduque.org.br)), which includes civil society organisations, private companies, government agencies and many individuals, aims to build a strong national movement against corporal punishment through educational activities and advocacy for law reform. In **Peru**, civil society, public and private organisations are working together for prohibition of all physical and other humiliating punishment through the “Infancia sin castigo, infancia sin violencia” (“Childhood without punishment, childhood without violence”, [www.isciv.infantnagayama.org](http://www.isciv.infantnagayama.org)) campaign.



In **Canada**, the Repeal 43 Committee ([www.repeal43.org](http://www.repeal43.org)), supported by many professional organisations, lobbies for prohibition through repeal of the defence for corporal punishment in section 43 of the Criminal Code. The **US Alliance to End the Hitting of Children** ([www.endhittingusa.org](http://www.endhittingusa.org)) brings together individuals, groups and organisations to create a unified voice calling for, and working toward, the end of all forms of physical and emotional punishment against children, especially in schools and homes.

The Campaign for Ending Violence Against Children **Japan** ([www.kodomosukoyaka.net](http://www.kodomosukoyaka.net)), formed in 2011, is a group of organisations which advocates for legal prohibition of corporal punishment of children and the promotion of non-violent and positive parenting.

In **South Africa**, the Working Group on Positive Discipline ([www.rapcan.org.za/wgpd](http://www.rapcan.org.za/wgpd)), a group of organisations committed to prohibition, is advocating for law reform. Sonke Gender Justice, a member of the group, is spearheading the campaign as part of its MenCare fatherhood campaign for gender-equal and non-violent parenting. The Coalition Against Corporal Punishment in **Uganda**, which includes NGOs and government bodies, works to ensure that prohibiting corporal punishment remains a national priority and that efforts to respond to the issue are shared and coordinated. The Coalition is chaired by Raising Voices ([www.raisingvoices.org](http://www.raisingvoices.org)).

The Children Are Unbeatable! Alliance ([www.childrenareunbeatable.org.uk](http://www.childrenareunbeatable.org.uk)), which advocates for prohibition in all settings in the **UK**, is the broadest coalition ever assembled on a children’s issue in the country, with more than 600 organisational and many more individual supporters. In 2013, the Welsh branch of the campaign to achieve a ban – removal of the defence of “reasonable punishment” – for children in Wales (“Sdim Curo Plant!, [www.childreninwales.org.uk/areasofwork/endingphysicalpunishment.html](http://www.childreninwales.org.uk/areasofwork/endingphysicalpunishment.html)), using the devolved powers of the National Assembly, has been actively promoting law reform in the Social Services and Well-being (Wales) Bill, confronting government resistance despite 10 years’ of commitment to a ban from successive previous Labour-led governments.



## New Caribbean Coalition

The Caribbean Coalition for the Abolition of Corporal Punishment of Children (CCACPC) began its work early in 2013. It promotes prohibition and elimination of corporal punishment across the Caribbean, including by building a strong regional movement for prohibition; advocating directly to governments and parliaments; collaborating with UNICEF and other UN agencies, CARICOM and other regional organisations, international and national NGOs, national human rights institutions and others; and supporting the development and work of national campaigns for prohibition.

The CCACPC, supported by the Global Initiative and coordinated by Trinidad-based Hazel Thompson-Ahye ([hazel@endcorporalpunishmentcaribbean.org](mailto:hazel@endcorporalpunishmentcaribbean.org)), is currently writing to all governments in the region urging them to enact law reform to prohibit corporal punishment. The Coalition’s Advisory Group includes prominent individuals from across the region.

The Coalition has its own website ([www.endcorporalpunishmentcaribbean.org](http://www.endcorporalpunishmentcaribbean.org)) and has produced its first regional newsletter and a leaflet introducing the CCACPC and its Advisory Group and answering common questions about prohibition. Other publications are planned, including a concise progress report on law reform in Caribbean states and territories to be published before the end of 2013.

The formation of the Coalition is the latest development following the mobilisation of significant high level support for prohibition in the context of the publication of the Global Initiative’s 2012 regional report on progress towards prohibition in the Caribbean. The report was launched in Kingston, Jamaica, in May 2012 during the regional follow-up to the UN Study on Violence against Children.



## National human rights institutions and similar bodies

National human rights institutions (NHRIs), including independent specialised bodies working for children’s rights (children’s commissioners, ombudspersons, etc.) have a particular responsibility to take action against the legality of corporal punishment, and many are doing so.

The Commissioner for Human Rights (Ombudsman) of the Republic of **Azerbaijan**, the Ombudsman of **Peru** and the Office of the Ombudsman in **Serbia** are drafting and supporting the progress of legislation which would prohibit corporal punishment. The Ombudsman for Children in **Estonia** is working for law reform, including through a 2012 statement to the Minister of Social Affairs, endorsed by 31 non-governmental and professional associations. The National Spokesperson for Children in **Greenland** is advocating for the legislation which prohibits corporal punishment in Denmark to be brought into force in Greenland in 2014. The Human Rights Commission of **Malaysia** is advocating for prohibition, including encouraging the Government to withdraw its reservation on protection from torture and other cruel, inhuman or degrading treatment or punishment to the Convention on the Rights of the Child.

Following on from the 2010 prohibition of all corporal punishment in **Poland**, in 2013 the Children’s Rights Ombudsman launched a new campaign, “React, It’s Your Right”, which aims to encourage adults to intervene when children are being violently punished.

Other NHRIs working for prohibition include the Children’s Rights Commissioner of the Flemish Community and the General Delegate on child rights of the French Community in **Belgium**, the National Commission for Protection of Child Rights in **India**, the Ombudsperson for Children’s Office in **Mauritius** and the **Slovenia** Human Rights Ombudsman Office.



## National NGOs

In states in all regions, national organisations working for children’s rights – including to protection, health and education – are promoting prohibition and elimination of corporal punishment.

In Africa, Nada ([www.nada-dz.org](http://www.nada-dz.org)), the **Algerian** network for the protection of children’s rights, is campaigning for implementation of the prohibition of corporal punishment in schools as part of its 2013 “Don’t play with children’s rights” project. Droits des Enfants en Côte d’Ivoire campaigns against corporal punishment in schools, including campaigning for the implementation of the ministerial circular which states that corporal punishment should not be used. In 2013, ANPPCAN **Ethiopia** ([www.anppcan-eth.org.et](http://www.anppcan-eth.org.et)) and Save the Children are putting mechanisms in place to promote the reduction of physical punishment, enhance parents’ and teachers’ knowledge and skills on positive discipline and provide support to children who have experienced physical punishment. Defence for Children **Ghana** runs the “Girl Power” campaign to eliminate violence against girls and young women, including corporal punishment. Similar campaigns are running in **Liberia** and **Sierra Leone**.

In the Caribbean in 2013, UNICEF **Jamaica** is working with the Jamaica Council of Churches to run workshops which aim to stop the use of corporal punishment by highlighting alternative forms of discipline. RISE **St Lucia** (contact [rise.saintlucia@gmail.com](mailto:rise.saintlucia@gmail.com)) is advocating against corporal punishment of children. In March 2013, it hosted a visit from the Rapporteur on Child Rights of the Inter-American Commission on Human Rights, themed around promotion of non-violence with children with particular emphasis on a practical timetable for the elimination of corporal punishment.

In Europe, the Children’s Human Rights Centre of **Albania** ([www.crca.al](http://www.crca.al)) is working for the implementation of the 2010 prohibition of all corporal punishment, including collaborating with the ombudsman, police and government agencies to strengthen reporting and complaint mechanisms for children. Save the Children **Lithuania** ([www.gelbvaik.lt](http://www.gelbvaik.lt)) published a study on corporal punishment as part of its campaign for prohibition and is actively lobbying for inclusion of prohibition in draft legislation currently under discussion. The Human Rights Monitoring Institute is also working for prohibition in Lithuania. In 2013 the **Swiss** Foundation for Child Protection (Stiftung Kinderschutz Schweiz, [www.kinderschutz.ch](http://www.kinderschutz.ch)) released a position statement calling for prohibition of all corporal punishment of children.

In 2013, in South Asia, **Bangladesh** Legal Aid and Services Trust ([www.blast.org.bd](http://www.blast.org.bd)) is running a project on corporal punishment, which includes preparing a draft Child Rights Protection Policy, conducting research and working with Village Court judges on the issue. The Society for the Protection of the Rights of the Child ([www.sparcpk.org](http://www.sparcpk.org)) campaigns for legal reform to prohibit all corporal punishment in **Pakistan**, including preparing, with others, the Prohibition of Corporal Punishment Bill, which would prohibit in all schools and alternative care settings.

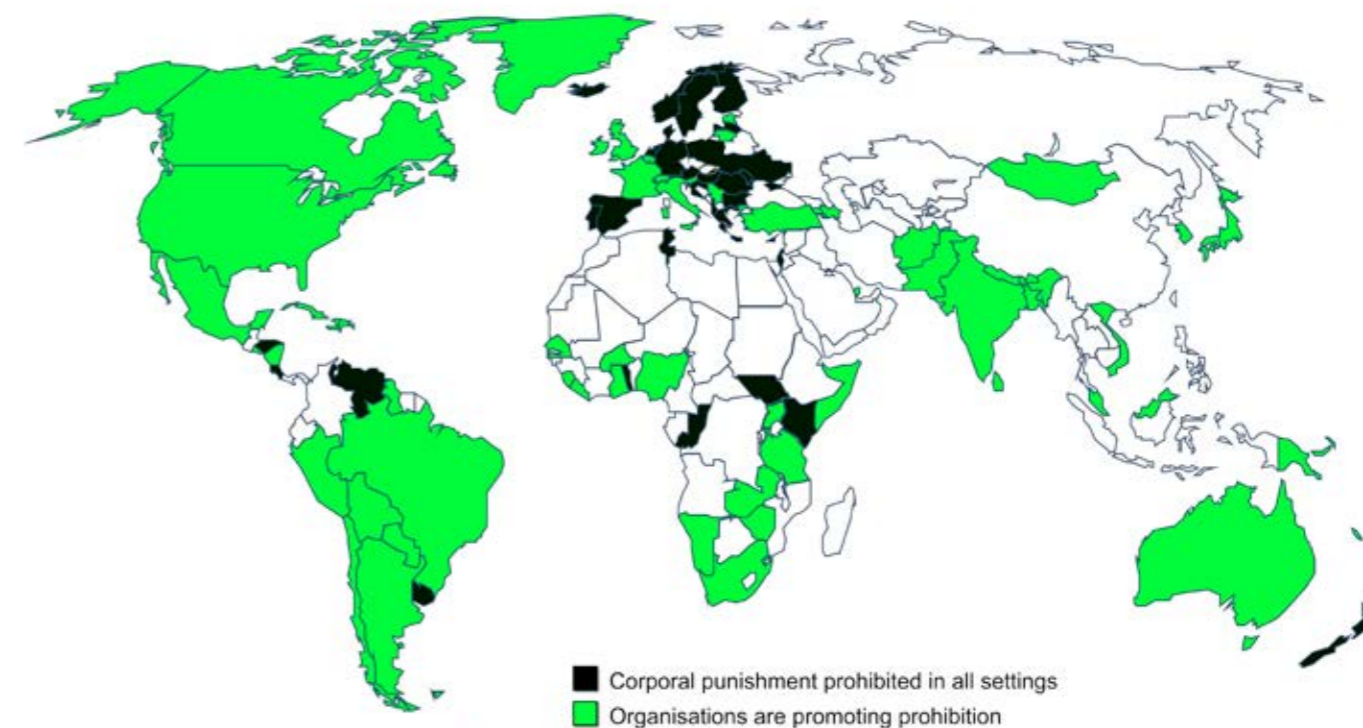
In **Malaysia** in South East Asia, Voice of the Children ([www.voc.org.my](http://www.voc.org.my)) is advocating for prohibition of corporal punishment to be included in the Child Act. In **Mongolia**, Save the Children Japan ([www.savechildren.or.jp](http://www.savechildren.or.jp)) works against corporal punishment, including advocating for prohibition. In May 2013, it held an international forum in Ulaanbaatar, to share experiences around promoting positive discipline in kindergartens and schools.

### Campaigning for prohibition at the Commission on the Status of Women

International organisations working for the rights of women and girls collaborated to promote prohibition of corporal punishment at the 57th session of the Commission on the Status of Women in March 2013, themed around “Elimination and prevention of all forms of violence against women and girls”. An oral statement, which highlighted the fact that corporal punishment is rarely included in the global challenge to end all violence against women and girls and called for its widespread legality and social acceptance to be explicitly addressed during the session, was delivered by Defence for Children International on behalf of the Committee on Child Rights of the Conference of NGOs in Consultative Relationship with the UN, the International Humanist and Ethical Union and Ribbon International. A briefing prepared for the session by the Global Initiative was distributed, including by Raising Voices, Save the Children, UNICEF and the Women’s Task Force of the Parliament of the World’s Religions. The issue, which has often been ignored in UN reports on violence against women and girls, was included in the Secretary General’s report prepared for the session.<sup>1</sup>

<sup>1</sup> Economic and Social Council (2013), *Prevention of violence against women and girls: Report of the Secretary-General* (E/CN.6/2013/4)

## Campaigns for prohibition of corporal punishment\*



\*Based on information held by the Global Initiative, November 2013. Please email updates/corrections to [elinor@endcorporalpunishment.org](mailto:elinor@endcorporalpunishment.org).

### States with no known national campaigns for law reform

This section of the report has described some – but far from all – of the campaigns for prohibition across the world. But in the states listed below the Global Initiative is not in contact with any organisation known to be working for children’s right to protection from corporal punishment. We are keen to learn of campaigns in these states and to make contact with organisations which may be interested in working on the issue. To provide us with information about campaigns against corporal punishment or to discuss advocacy possibilities, email [elinor@endcorporalpunishment.org](mailto:elinor@endcorporalpunishment.org).

- Africa:** Angola; Botswana; Cameroon; Cape Verde; Central African Republic; Chad; Comoros; Djibouti; Equatorial Guinea; Eritrea; Gabon; Guinea-Bissau; Libyan Arab Jamahiriya; Madagascar; Mauritania; Morocco; Sao Tome and Principe; Seychelles; Swaziland; Western Sahara
- Caribbean:** Antigua and Barbuda; Bahamas; Barbados; Dominica; Grenada; Haiti; St Kitts and Nevis; St Vincent and the Grenadines; Suriname; Trinidad and Tobago
- East Asia and Pacific:** Brunei Darussalam; Cambodia; Cook Islands; DPR Korea; Indonesia; Kiribati; Lao PDR; Marshall Islands; Micronesia; Myanmar; Nauru; Niue; Palau; Samoa; Singapore; Thailand; Tonga; Tuvalu
- Europe and Central Asia:** Andorra; Belarus; Czech Republic; Georgia; Kazakhstan; Kyrgyzstan; Malta; Monaco; Montenegro; San Marino; Slovakia; Tajikistan; TFYR Macedonia; Turkmenistan; Uzbekistan
- Latin America:** Colombia; Cuba; Dominican Republic; Ecuador; Guatemala; Panama
- Middle East:** Bahrain; Iran; Iraq; Jordan; Kuwait; Oman; Saudi Arabia; Syrian Arab Republic; United Arab Emirates



# Faith-based support for prohibition

In many parts of the world religious leaders are using the opportunities afforded by their diverse roles and functions to promote support for the prohibition and elimination of corporal punishment. Growing numbers of faith-based communities and organisations consider its abolition to be a religious imperative and are working in solidarity with secular and non-governmental organisations – at local, regional and national levels – towards reform.

Hitting children is a violation of a child’s physical, emotional and spiritual integrity, it contradicts the teachings of the major world religions and it is incompatible with universal religious values of respect for human dignity, compassion, justice and non-violence.

## Support for prohibition of corporal punishment at the 10th Assembly of the World Council of Churches

Save the Children and the Churches’ Network for Non-violence jointly host an interactive exhibition entitled “Justice for Children – End legalised violence against children” at the 10th Assembly of the World Council of Churches (WCC), held in Busan, South Korea, 28 October to 8 November 2013. The exhibition was part of the Assembly’s Madang Programme: a “madang” is a traditional Korean courtyard which serves as a space for encounter and discussion. The activity contributed to the Assembly theme “God of life lead us to justice and peace” and emphasised that justice and peace are unattainable so long as violent punishment of children persists. It provided an opportunity to increase the visibility of legalised violence against children and provided a space for visitors to discuss the issue and gather materials and resources for work locally. Many signed up to support the aims of the Global Initiative, including Christian leaders in South Korea. A workshop was also held which challenged participants to address the prohibition and elimination of corporal punishment of children as a moral and religious imperative. For the first time in its history, the Assembly included four plenary sessions on “The Churches’ Advocacy for Children’s Rights”.

*“In the accomplishment of God’s mission our churches, ecumenical bodies, interfaith networks, NGOs and inter-governmental organisations have to respond to the ethical, moral and spiritual imperative to uphold children’s dignity by: ...*

*“Encouraging positive parenting where children can grow in an atmosphere of respect, love and compassion;*

*“Working with others in the global movement to prohibit and eliminate corporal punishment of children;*

*“Using the scriptures to promote peace, justice and non-violence in living with children;*

*“Building partnerships with inter-governmental organisations, ecumenical partners and other faith communities and networks as well as alliances for promoting children’s rights.”*

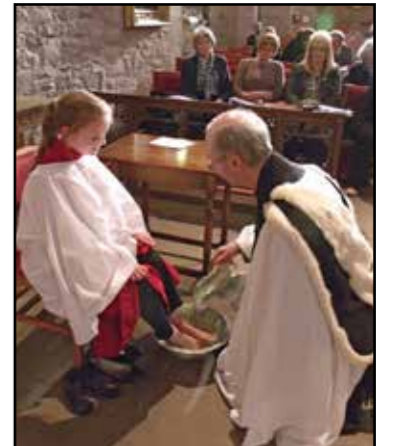
(Extract from “Putting Children at the Center”, an open message endorsed by ecumenical bodies, alliances and child rights advocates meeting in Busan, South Korea, for the 10th Assembly of the World Council of Churches, 2013)



Religious leaders are also engaged in challenging minority religious groups who use their faith and sacred texts to justify corporal punishment of children. For example, Christian leaders including Advisory Group members of the newly formed Caribbean Coalition for the Abolition of Corporal Punishment of Children (CCACPC) (see page 27) addressed the problem in a signed a statement of support for prohibition:

*“Some Christian groups use their religion to justify physical punishment and may argue that it is sanctioned in scriptural texts such as Proverbs 13:24: ‘Those who spare the rod hate their children, but those who love them are diligent to discipline them.’ But it is not appropriate to take such texts out of their ancient cultural context to justify violence towards children. As Christians, our reading of the Bible is done in the light of Jesus’ teaching and example. Jesus treated children with respect and placed them in the middle of the group, as in Mark 9:37: ‘Whoever welcomes one such child in my name welcomes me.’”*

(Statement of support for prohibition signed by Christian leaders from Aruba, Guyana, Jamaica and the Cayman Islands)



In Jamaica, churches have partnered with UNICEF to deliver a series of island-wide workshops on the theme of “Spare the Rod”, designed to end the long-standing practice of beating children.

Each year on Universal Children’s Day (20 November), religious communities around the world observe the World Day of Prayer and Action for Children (DPAC). The World Day brings together secular and faith-based organisations to work in solidarity to end violence against children. Its three-year theme “Stop Violence Against Children” has provided an opportunity to focus on ending legalised violence against children. For example, in **Uganda** in 2012, supported by the Ministry of Justice and UNICEF, DPAC activities focused on the theme of “Zero Violence in Schools” and an urgent appeal was made to amend the Children Act to protect Uganda’s children from violence. In the **UK**, the Archbishop of Wales, Dr Barry Morgan, in 2012 led a vigil dedicated to ending legalised violence against children at which he washed children’s feet as a mark of respect. A similar services was led by the Dean of Brecon Cathedral in 2013. The Archbishop, the Dean and other prominent religious leaders signed a statement of support for law reform to remove the “reasonable punishment” defence from the statute books.

*“We believe that legislation to remove the defence of reasonable punishment is crucial because it reflects the compassionate, non-violent society we want for all children. Physical punishment of children has for too long been a common part of our culture. But physical punishment as a form of discipline is incompatible with the core religious values of respect for children’s human dignity, justice and non-violence. There are no circumstances under which this painful and humiliating practice can be justified.”*

(Statement of support for prohibition signed by religious leaders in Wales, UK)

*“Islam views all human life as a sacred gift from God. Islam does not advocate any violence against children. Corporal punishment and other forms of humiliating treatment of children conflict directly with the teaching of the prophet.*

*“We affirm our respect for the human dignity of every child. This calls us to work together to confront the pain and humiliation inflicted against children through the practice of corporal punishment in homes, families, schools, religious institutions and other community settings.*

*“We are committed to taking leadership and working in solidarity with people from other sectors, communities and religious networks towards ending all corporal punishment of children.”*

(Extract from a statement signed by Muslim leaders in the UK)

## The Holy See and the UN Committee on the Rights of the Child

The initial report of the Holy See to the Committee on the Rights of the Child was examined by the Committee in 1995. The report asserted the Holy See's respect for the dignity of the child and the significance placed on the family for the wellbeing of the child, including through the "Charter on the Rights of the Family" – but it made no reference to corporal punishment of children.<sup>1</sup> During the examination, the Committee asked the delegation for its views on corporal punishment and whether the Church was using the principle of the inalienable rights of the parents to justify the use of corporal punishment in the family. The delegation replied that corporal punishment "was a matter of considerable controversy" and that its acceptability depended on the context.

The Holy See has now submitted its second report to the Committee and is scheduled to be examined in January 2014. As before, the report asserts the importance to the Holy See of respect for the dignity of the child and of contextualising the rights of the child within the family setting but makes no reference to corporal punishment. It refers to the publication in 2004 by the Pontifical Council for Justice and Peace of the Compendium of the Social Doctrine of the Child which specifically addresses children's rights.<sup>2</sup> Under the heading "The dignity and rights of children", the Compendium states very positively "*The rights of children must be legally protected within juridical systems*" and "It is essential to engage in a battle, at the national and international levels, against the violations of the dignity of boys and girls caused by ... every kind of violence directed against these most defenceless of human creatures".<sup>3</sup>

The influence of the Holy See extends worldwide. While there has been no definitive statement against corporal punishment from the Vatican, there are examples of Catholic leaders engaged in promoting the prohibition and elimination of corporal punishment at national and regional level:

- In the UK, the Catholic Education Council called on Catholic schools to phase out corporal punishment in 1983, years before corporal punishment was prohibited by law.
- In 2006, the Southern African Catholic Bishops' Conference made a submission to the Parliamentary Portfolio Committee on Social Development supporting the proposed prohibition of corporal punishment in the Children's Amendment Bill. In 2013, as the South African Children Act is reviewed and prohibition is again being proposed, the Conference made a similar submission, stating: "There is nothing in the Catechism of the Catholic Church which supports the right of parents to use corporal punishment."<sup>4</sup>
- In 2006, the Roman Catholic Archdiocesan Education Board in Jamaica issued a statement against corporal punishment and urging "parents, educators, school administrators and school board members to seek non-violent alternative methods of managing student behaviour through research and reflection".
- In 2010, the Catholic Teachers' Team Movement (CTTM) – a forum of Catholic teachers from over 40 countries – ran a workshop for Catholic teachers from Bangladesh, India, Pakistan and the Philippines on how to promote peace and non-violence in the classroom.

The Committee on the Rights of the Child has adopted its list of issues for the Holy See, to which replies are expected in advance of the examination in 2014. The list asks "whether the Holy See has clearly condemned and taken measures to prevent all forms of corporal punishment of children in all settings, including within the family".<sup>5</sup>

### References

- 1 28 March 1994, CRC/C/3/Add.27, Initial report to the Committee on the Rights of the Child, paras. 4, 5, 6, 8, 10 and 27
- 2 22 October 2012, CRC/C/VAT/2, Second report to the Committee on the Rights of the Child, para. 57
- 3 *Compendium of the Social Doctrine of the Child*, paras. 244 and 245
- 4 25 June 2013, *Submission by the Southern African Catholic Bishops' Conference Parliamentary Liaison Office on the use of corporal discipline in the home*, p. 4
- 5 19 July 2013, CRC/C/VAT/Q/2, List of issues, para. 9

# Implementing the law – from prohibition to elimination

The ultimate goal of state action to fulfil children's right to protection from corporal punishment and other cruel or degrading treatment or punishment is to ensure that no child ever experiences it, by eliminating its use altogether. Achieving prohibition in law sends a clear message that hitting and hurting a child, for whatever reason, is wrong, just as hitting and hurting adults is wrong, and when breached the law can be enforced appropriately according to the circumstances of the case. But implementing the law is not only about responding to adults who violently punish children. It is also about transforming attitudes and practice so that physical punishment is no longer seen as acceptable in childrearing and education. It is about working towards a society where no assault on a child, however light, can conceivably be thought of as "reasonable".

## Preliminary list of measures needed to accompany/follow prohibition

- Wide dissemination and explanation of the law and its implications
- Detailed guidance, for all involved, on how the law prohibiting violent punishment should be implemented in the best interests of children
- Communication of children's right to protection from corporal punishment and all other cruel or degrading forms of punishment to children and adults
- Promotion of positive, non-violent forms of discipline to the public, children, parents, other carers, teachers, etc
- Dissemination of information on the dangers of corporal punishment
- Integration of implementation/enforcement of the prohibition into the national and local child protection system
- Identification of key public figures and a wide range of partners who can support implementation of the law and transformation of attitudes
- Attraction of necessary resources
- Evaluation of the impact of law reform and other measures, through a baseline survey and regular follow-up surveys, interviewing children and parents.



## Possible channels and opportunities/contact points for communication of key messages

- Birth registration
- Pre- and post-natal services
- All other health service and health practitioner contacts with parents, future parents, children
- Pre-school entry, school entry, school curriculum, informal educational settings
- Social and welfare services in contact with children (including children in all non-family settings) and with families
- Initial and in-service training of all those working with and for families and children, including teachers, care workers, etc
- Elements of civil society in contact with children and families, including religious/faith groups
- Mass media, internet, social networking, etc.



## Planning for change

A national plan should be developed by the government with other potentially active partners on how to progress from prohibition to elimination. This could be a distinct plan or an integral element in a national plan to eliminate all forms of violence against children. A review is likely to be needed, covering:

- what action there has been – including development of programmes and materials – challenging corporal punishment in the home and family, local community, schools and other institutions, all forms of alternative care, child labour and penal systems for children
- the structures of relevant national/local services impacting on children and families which could be used as a communications vehicle to support the move away from violent punishment
- available research on the prevalence of and attitudes towards violent punishment of children.

# Legality of corporal punishment:

## state by state analysis (November 2013)

Please note: The following information has been compiled from many sources, including reports to and by the United Nations human rights treaty bodies. **Information in square brackets is unconfirmed.** We are very grateful to government officials, UNICEF and other UN agencies, NGOs and human rights institutions, and many individuals who have helped to provide and check information. Please let us know if you believe any of the information to be incorrect: [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org). For further details on all states see the individual state reports at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org).



**Overseas territories, etc:** The Global Initiative also monitors the legal status of corporal punishment of children in all overseas territories etc. For individual reports on each one, see [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org).

### States with full prohibition in legislation

The following 34 states have prohibited corporal punishment in all settings, including the home:

<b>Albania</b> (2010)	<b>Hungary</b> (2004)	<b>Portugal</b> (2007)
<b>Austria</b> (1989)	<b>Iceland</b> (2003)	<b>Republic of Moldova</b> (2008)
<b>Bulgaria</b> (2000)	<b>Israel</b> (2000)	<b>Romania</b> (2004)
<b>Congo, Republic of</b> (2010)	<b>Kenya</b> (2010)	<b>South Sudan</b> (2011)
<b>Costa Rica</b> (2008)	<b>Latvia</b> (1998)	<b>Spain</b> (2007)
<b>Croatia</b> (1998)	<b>Liechtenstein</b> (2008)	<b>Sweden</b> (1979)
<b>Cyprus</b> (1994)	<b>Luxembourg</b> (2008)	<b>Togo</b> (2007)
<b>Denmark</b> (1997)	<b>Netherlands</b> (2007)	<b>Tunisia</b> (2010)
<b>Finland</b> (1983)	<b>New Zealand</b> (2007)	<b>Ukraine</b> (2003)
<b>Germany</b> (2000)	<b>Norway</b> (1987)	<b>Uruguay</b> (2007)
<b>Greece</b> (2006)	<b>Poland</b> (2010)	<b>Venezuela</b> (2007)
<b>Honduras</b> (2013)		

### Corporal punishment unlawful by Supreme Court ruling

In the following states, Supreme Court rulings have declared corporal punishment to be unlawful in all settings, including the home, but these are not yet reflected in legislation:

<b>Italy</b> (1995)	<b>Nepal</b> (2005)
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Nepal is committed to law reform; Italy is yet to make a public commitment to enacting prohibition.

## States expressing commitment to law reform in the UPR and other contexts

Governments in the following 48 states have expressed a commitment to prohibition of all corporal punishment of children. In the majority of cases this has been through unequivocally accepting recommendations to prohibit made during the Universal Periodic Review (UPR) of the state concerned. Some states have formally confirmed a commitment to prohibition in a public context outside of the UPR.

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Afghanistan <sup>1</sup>	NO	NO	SOME <sup>2</sup>	YES	NO	NO <sup>3</sup>
Algeria <sup>4</sup>	NO	NO	NO	YES	NO	YES
Armenia <sup>5</sup>	NO	SOME <sup>6</sup>	NO	YES	YES <sup>7</sup>	YES
Azerbaijan <sup>8</sup>	NO	NO	NO	YES	YES	YES
Bangladesh <sup>9</sup>	NO	NO	NO	YES <sup>10</sup>	NO	NO
Belize <sup>11</sup>	NO	SOME <sup>12</sup>	SOME <sup>13</sup>	YES	SOME <sup>14</sup>	YES
Benin <sup>15</sup>	NO	NO	NO	NO <sup>16</sup>	NO	YES
Bhutan <sup>17</sup>	NO	NO	NO	NO <sup>18</sup>	[YES] <sup>19</sup>	YES
Bolivia <sup>20</sup>	NO	NO	NO	YES	NO	SOME <sup>21</sup>
Brazil <sup>22</sup>	NO	NO	NO	NO	NO	YES
Burkina Faso <sup>23</sup>	NO	NO	SOME <sup>24</sup>	SOME <sup>25</sup>	[YES] <sup>26</sup>	YES
Cape Verde <sup>27</sup>	NO	SOME <sup>28</sup>	SOME <sup>29</sup>	YES	YES	YES
Chad <sup>30</sup>	NO	NO	NO	YES	NO	YES
Ecuador <sup>31</sup>	NO	NO	SOME <sup>32</sup>	YES	YES	SOME <sup>33</sup>
El Salvador <sup>34</sup>	NO	NO	SOME <sup>35</sup>	YES	YES	YES

- 1 Commitment to prohibition in all settings, including the home, made at July 2006 meeting of South Asia Forum, following 2005 UN Study on Violence against Children regional consultation
- 2 Prohibited in pre-school provision
- 3 Lawful under Shari'a law
- 4 Government accepted UPR recommendation to prohibit in all settings (2012)
- 5 Government accepted UPR recommendation to prohibit (2010); draft legislation which would prohibit under discussion (2013)
- 6 Unlawful in care institutions but possibly no explicit prohibition
- 7 But no explicit prohibition
- 8 Government accepted UPR recommendations to prohibit (2009, 2013); draft legislation which would prohibit under discussion (2013)
- 9 Commitment to prohibition in all settings, including the home, made at July 2006 meeting of South Asia Forum, following 2005 UN Study on Violence against Children regional consultation; Government accepted UPR recommendation to prohibit (2009)
- 10 Unlawful under 2011 Supreme Court ruling, still to be confirmed in legislation
- 11 Government accepted UPR recommendation to prohibit (2009)
- 12 Prohibited in residential care facilities
- 13 Prohibited in day care centres
- 14 Prohibited in "Youth Hostel" detention centre
- 15 Government accepted UPR recommendation to prohibit in all settings (2012); draft legislation which would prohibit under discussion (2013)
- 16 Government circular advises against corporal punishment but no prohibition in law
- 17 Commitment to prohibition in all settings, including the home, made at July 2006 meeting of South Asia Forum, following 2005 UN Study on Violence against Children regional consultation
- 18 Code of Conduct and ministerial directives state corporal punishment should not be used but no prohibition in law
- 19 Possibly prohibited in Child Care and Protection Act 2011
- 20 Government accepted UPR recommendation to prohibit (2010)
- 21 Prohibited in state laws but lawful in indigenous and tribal justice systems
- 22 Commitment made by former President Lula da Silva, confirmed by current President Dilma Rousseff and Minister for Human Rights Maria do Rosario; Bill which would prohibit under discussion (2013)
- 23 Draft legislation which would prohibit under discussion (2013)
- 24 Prohibited in pre-school education settings
- 25 Prohibited in primary schools
- 26 But no explicit prohibition and law permits use of force "in case of apathy following orders"
- 27 Government accepted UPR recommendations to prohibit in all settings (2008, 2013)
- 28 Prohibited in care institutions
- 29 Prohibited in institutions
- 30 Government accepted UPR recommendation to prohibit (2009)
- 31 Government accepted UPR recommendation to prohibit in all settings (2012)
- 32 Prohibited in preschool provision
- 33 Lawful in indigenous communities
- 34 Government accepted UPR recommendation to prohibit in all settings (2010)
- 35 Prohibited in preschool provision

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Estonia <sup>36</sup>	NO	NO	[SOME] <sup>37</sup>	YES <sup>38</sup>	YES	YES
India <sup>39</sup>	NO	SOME <sup>40</sup>	NO	SOME <sup>41</sup>	SOME <sup>42</sup>	SOME <sup>43</sup>
Lithuania <sup>44</sup>	NO	NO	SOME <sup>45</sup>	YES	YES	YES
Maldives <sup>46</sup>	NO	NO	NO	NO <sup>47</sup>	NO	NO
Mauritius <sup>48</sup>	NO	NO	[SOME] <sup>49</sup>	YES	NO	YES
Mongolia <sup>50</sup>	NO	NO	[SOME] <sup>51</sup>	YES	NO	YES
Montenegro <sup>52</sup>	NO	NO	SOME <sup>53</sup>	YES	YES <sup>54</sup>	YES
Morocco <sup>55</sup>	NO	NO	NO	NO <sup>56</sup>	YES	YES
Nicaragua <sup>57</sup>	NO	NO	[SOME] <sup>58</sup>	YES	YES	YES
Niger <sup>59</sup>	NO	NO	NO	NO <sup>60</sup>	NO	YES
Pakistan <sup>61</sup>	NO	NO	NO	SOME <sup>62</sup>	SOME <sup>63</sup>	SOME <sup>64</sup>
Palau <sup>65</sup>	NO	NO	NO	NO	NO	YES
Panama <sup>66</sup>	NO	NO	NO	NO	YES	YES
Papua New Guinea <sup>67</sup>	NO	SOME <sup>68</sup>	NO	NO	NO	YES
Peru <sup>69</sup>	NO	NO	[SOME] <sup>70</sup>	YES <sup>71</sup>	NO	YES
Philippines <sup>72</sup>	NO	YES	YES	YES	YES	YES
Samoa <sup>73</sup>	NO	NO	SOME <sup>74</sup>	YES	[NO]	YES

- 36 Government accepted UPR recommendation to prohibit (2011); legislation which would prohibit being drafted (2013)
- 37 Possibly unlawful in preschool provision
- 38 But no explicit prohibition
- 39 Commitment to prohibition in all settings confirmed in third/fourth report to UN Committee on the Rights of the Child (2011); Government accepted UPR recommendation to prohibit in all settings (2012)
- 40 Prohibited in care institutions except in Jammu and Kashmir
- 41 Prohibited for 6-14 year olds except in Jammu and Kashmir
- 42 Not prohibited in Jammu and Kashmir
- 43 Permitted in traditional justice systems
- 44 Government stated intention to prohibit to UN Committee on the Rights of the Child (2006); Government accepted UPR recommendation to prohibit in the home (2011); draft legislation under discussion (2013)
- 45 Prohibited in preschool provision
- 46 Commitment to prohibition in all settings, including the home, made at July 2006 meeting of South Asia Forum, following 2005 UN Study on Violence against Children regional consultation
- 47 Ministry of Education advises against corporal punishment but no prohibition in law
- 48 Bill which would prohibit under discussion (2013)
- 49 Possibly unlawful in preschool provision
- 50 Government accepted UPR recommendation to prohibit (2010); legislation which would prohibit being drafted (2013)
- 51 Possibly prohibited in preschool settings
- 52 Government accepted UPR recommendations to prohibit in all settings (2013)
- 53 Prohibited in the provision of preschool education
- 54 But possibly no explicit prohibition
- 55 Government accepted UPR recommendation to prohibit in all settings (2012)
- 56 Ministerial direction advises against corporal punishment but no prohibition in law
- 57 Government accepted UPR recommendation to prohibit in all settings (2010); right of correction removed from Penal Code in 2012; proposals to prohibit in draft Family Code under discussion (2012)
- 58 Possibly prohibited in preschool provision
- 59 Draft legislation which would prohibit under discussion (2013)
- 60 Ministerial Order states corporal punishment should not be used but no prohibition in law
- 61 Commitment to prohibition in all settings, including the home, made at July 2006 meeting of South Asia Forum, following 2005 UN Study on Violence against Children regional consultation; draft legislation under discussion (2013)
- 62 Prohibited for 5-16 year olds in Islamabad Capital Territory, Sindh province and possibly Balochistan province
- 63 Prohibited in Juvenile Justice System Ordinance 2000 but this not applicable in all areas and other laws not amended/repealed
- 64 Lawful under Shari'a law
- 65 Government accepted UPR recommendation to prohibit (2011)
- 66 Government accepted UPR recommendation to prohibit (2010)
- 67 Government accepted UPR recommendation to prohibit in all settings (2011)
- 68 Lukautim Pikinini (Child) Act 2009 prohibits corporal punishment of children "in the care of the Director"
- 69 Congress pledged all party support for prohibition (2007); Government accepted UPR recommendation to prohibit in all settings (2012); draft legislation which would prohibit under discussion (2012)
- 70 Possibly prohibited in preschool provision
- 71 But no explicit prohibition
- 72 Government accepted UPR recommendation to prohibit in the home and other settings (2012); bill which would prohibit under discussion (2013)
- 73 Government accepted UPR recommendation to prohibit in the home (2011)
- 74 Prohibited in early childhood centres

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
San Marino <sup>75</sup>	NO	NO	[SOME] <sup>76</sup>	YES	YES <sup>77</sup>	YES
Sao Tome & Principe <sup>78</sup>	NO	NO	NO	[YES]	[NO]	[YES]
Serbia <sup>79</sup>	NO	NO	SOME <sup>80</sup>	YES	YES	YES
Slovakia <sup>81</sup>	NO	YES	YES	YES	YES	YES
Slovenia <sup>82</sup>	NO	NO	SOME <sup>83</sup>	YES	YES <sup>84</sup>	YES
South Africa <sup>85</sup>	NO	YES	YES	YES	YES	YES
Sri Lanka <sup>86</sup>	NO	NO <sup>87</sup>	NO	NO <sup>88</sup>	SOME <sup>89</sup>	YES
Tajikistan <sup>90</sup>	NO	NO	NO	YES <sup>91</sup>	NO	YES
TFYR Macedonia <sup>92</sup>	NO	YES	YES	YES	YES	YES
Thailand <sup>93</sup>	NO	NO	NO	YES	YES <sup>94</sup>	YES <sup>95</sup>
Timor-Leste <sup>96</sup>	NO	NO <sup>97</sup>	NO	NO	YES <sup>98</sup>	YES
Turkey <sup>99</sup>	NO	NO	NO	YES <sup>100</sup>	YES <sup>101</sup>	YES
Turkmenistan <sup>102</sup>	NO	[SOME] <sup>103</sup>	[SOME] <sup>104</sup>	YES <sup>105</sup>	YES	YES
Uganda <sup>106</sup>	NO	NO	NO	NO <sup>107</sup>	YES	YES
Zambia <sup>108</sup>	NO	NO	NO	YES	YES <sup>109</sup>	YES <sup>110</sup>
Zimbabwe <sup>111</sup>	NO	NO	NO	NO	NO	NO

75 Government accepted UPR recommendation to prohibit (2010)  
 76 Possibly prohibited in preschool provision  
 77 But no explicit prohibition  
 78 Government accepted UPR recommendation to prohibit in all settings (2011)  
 79 Government accepted UPR recommendations to prohibit in the home and all settings (2008, 2013)  
 80 Prohibited in day care which forms part of the education system  
 81 Government accepted UPR recommendation to prohibit in all settings (2009)  
 82 Government accepted UPR recommendation to prohibit (2010); draft legislation which would prohibit under discussion (2013)  
 83 Prohibited in educational day care and in residential schools  
 84 But no explicit prohibition  
 85 Government accepted UPR recommendation to prohibit in the home (2012); prohibition under discussion (2013)  
 86 Commitment to prohibition in all settings, including the home, made at July 2006 meeting of South Asia Forum, following 2005 UN Study on Violence against Children regional consultation  
 87 Legislation to prohibit in children's homes being drafted (2011)  
 88 Ministerial circular states corporal punishment should not be used but no prohibition in law; legislation to prohibit being drafted (2011)  
 89 Prohibited in prisons; legislation to prohibit in all penal institutions being drafted (2011)  
 90 Government accepted UPR recommendation to prohibit in all settings (2011); Government stated legislation is being improved to prohibit corporal punishment in the family and education settings (2012)  
 91 But no explicit prohibition  
 92 Government accepted UPR recommendation to prohibit in all settings (2009)  
 93 Government accepted UPR recommendations to prohibit in all settings (2012)  
 94 But some legislation possibly still to be amended  
 95 But some legislation possibly still to be amended  
 96 Government accepted UPR recommendation to prohibit (2011); draft legislation which would prohibit in all settings under discussion (2013)  
 97 Policy advises against corporal punishment in some care settings but no prohibition in law  
 98 But no explicit prohibition  
 99 Government accepted UPR recommendation to prohibit (2010)  
 100 But no explicit prohibition  
 101 But possibly no explicit prohibition  
 102 Government accepted UPR recommendation to prohibit in all settings (2013)  
 103 Possibly prohibited in some but not all care settings in Law on Guarantees of the Rights of the Child 2002  
 104 Unlawful in preschool provision; prohibition in other day care unconfirmed  
 105 But no explicit prohibition  
 106 Bill which would prohibit all corporal punishment under discussion (2013)  
 107 Ministerial circular advises against corporal punishment but no prohibition in law  
 108 Government accepted UPR recommendation to prohibit in all settings (2012); draft Constitution would prohibit in the home, schools and other institutions (2012)  
 109 Ruled unconstitutional by Supreme Court in 1991 but some legislation still to be repealed  
 110 Ruled unconstitutional by Supreme Court in 1991 but some legislation still to be repealed  
 111 Government accepted UPR recommendation to prohibit in all settings (2011)

## States without a clear commitment to law reform

The following table lists the 114 states which have yet to make a clear commitment to prohibiting all corporal punishment. Some of these states have accepted UPR recommendations to prohibit but have also indicated that they consider existing legislation adequately protects children from corporal punishment, in conflict with information collected by the Global Initiative. Some states have accepted some UPR recommendations to prohibit corporal punishment but rejected other similar recommendations.

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Andorra <sup>112</sup>	NO	SOME <sup>113</sup>	NO	YES <sup>114</sup>	YES <sup>115</sup>	YES
Angola	NO	NO	NO	NO	NO	YES
Antigua & Barbuda	NO	NO	NO	NO	NO	NO
Argentina <sup>116</sup>	NO	NO	NO	YES <sup>117</sup>	YES	YES
Australia	NO	SOME <sup>118</sup>	SOME <sup>119</sup>	SOME <sup>120</sup>	SOME <sup>121</sup>	YES
Bahamas	NO	SOME <sup>122</sup>	NO	NO	[YES] <sup>123</sup>	[NO] <sup>124</sup>
Bahrain	NO	NO	NO	YES	NO	YES
Barbados	NO	[SOME] <sup>125</sup>	[SOME] <sup>126</sup>	NO	NO	NO
Belarus <sup>127</sup>	NO	NO	NO	[YES]	YES <sup>128</sup>	YES
Belgium	NO	SOME <sup>129</sup>	NO	YES <sup>130</sup>	YES	YES
Bosnia & Herzegovina	SOME <sup>131</sup>	SOME <sup>132</sup>	SOME <sup>133</sup>	YES	YES	YES
Botswana	NO	NO	NO	NO	NO	NO
Brunei Darussalam <sup>134</sup>	NO	NO	SOME <sup>135</sup>	NO	NO	NO
Burundi	NO	NO	NO	[YES]	NO	YES
Cambodia	NO	NO	NO	YES	YES	YES
Cameroon	NO	NO	[SOME] <sup>136</sup>	YES	[YES]	YES

112 Government accepted UPR recommendation to prohibit in all settings (2010) but also stated corporal punishment already unlawful  
 113 Prohibited in La Gavernera children's centre  
 114 But no explicit prohibition  
 115 But no explicit prohibition  
 116 Government accepted UPR recommendation to prohibit in all settings (2012) but also stated legislation already prohibits all forms of violence; draft legislation which includes prohibition under discussion (2013)  
 117 But no explicit prohibition  
 118 Prohibited in all residential centres and foster care in all states/territories except Northern Territory, Tasmania, Victoria and Western Australia  
 119 Prohibited in all states/territories except in Northern Territory and Tasmania; prohibition in childminding unconfirmed  
 120 Prohibited in all states/territories except Queensland and Western Australia  
 121 Prohibited in all states/territories except Australian Capital Territory and Western Australia  
 122 Prohibited in residential institutions  
 123 But some legislation possibly still to be repealed  
 124 Judicial corporal punishment prohibited in 1984 but reintroduced in 1991  
 125 Possibly prohibited in children's centres run by Child Care Board and in state-arranged foster care  
 126 Possibly prohibited in state-arranged pre-schools settings and in day care centres run by Child Care Board  
 127 Government accepted UPR recommendation to prohibit (2010) but stated it had already been implemented and all corporal punishment is unlawful  
 128 But no explicit prohibition  
 129 Prohibited in institutions in Flemish community  
 130 But no explicit prohibition  
 131 Prohibited in Republic of Srpska  
 132 Prohibited in Republic of Srpska  
 133 Prohibited in Republic of Srpska  
 134 Government accepted some UPR recommendations to prohibit but rejected others (2009)  
 135 Prohibited in child care centres  
 136 Possibly prohibited in nursery education

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Canada	NO <sup>137</sup>	SOME <sup>138</sup>	SOME <sup>139</sup>	YES <sup>140</sup>	YES <sup>141</sup>	YES
Central African Rep.	NO	NO	NO	NO	NO	YES
Chile	NO	NO	NO	YES	YES	YES
China	NO <sup>142</sup>	[NO]	SOME <sup>143</sup>	YES	YES	YES
Colombia	NO	[SOME] <sup>144</sup>	NO	[YES] <sup>145</sup>	[YES] <sup>146</sup>	SOME <sup>147</sup>
Comoros <sup>148</sup>	NO	NO	NO	NO	NO	[YES] <sup>149</sup>
Cook Islands	NO	NO	SOME <sup>150</sup>	YES	NO	YES
Côte d'Ivoire	NO	NO	NO	NO <sup>151</sup>	YES <sup>152</sup>	YES
Cuba	NO	[SOME] <sup>153</sup>	[SOME] <sup>154</sup>	[YES]	YES	YES
Czech Rep.	NO	SOME <sup>155</sup>	SOME <sup>156</sup>	YES	YES	YES
Djibouti	NO	NO	NO	[YES]	NO	YES
Dominica	NO	NO	SOME <sup>157</sup>	NO	NO	NO
Dominican Rep. <sup>158</sup>	NO	NO	NO	YES	YES	YES
DPR Korea	NO	NO	NO	[NO] <sup>159</sup>	[YES]	[YES]
DR Congo	NO	NO	NO	YES	NO	YES
Egypt	NO	NO	NO	[NO] <sup>160</sup>	[YES] <sup>161</sup>	YES
Equatorial Guinea	NO	NO	NO	NO	NO	YES
Eritrea	NO	NO	NO	[NO] <sup>162</sup>	[NO]	[NO]
Ethiopia	NO	SOME <sup>163</sup>	SOME <sup>164</sup>	YES	YES	YES
Fiji	NO	NO	NO	YES <sup>165</sup>	YES	YES

137 2004 Supreme Court ruling limited but upheld parents' right to physically punish children

138 Prohibited in state provided care in Alberta, British Columbia and Manitoba; prohibited in foster care in Alberta, British Columbia, Manitoba and Ontario; in Ontario prohibited in provincially licensed childcare programmes and foster homes and for all children receiving services from provincially licensed/approved child protection agency or other service provider

139 Prohibited in all states and territories except New Brunswick; right of correction in Federal Criminal Code applies in Quebec

140 2004 Supreme Court ruling excluded corporal punishment from teachers' right to use force but this still to be confirmed in laws relating to private schools and to all schools in Alberta and Manitoba

141 But no explicit prohibition in Quebec and possibly other provinces/territories

142 But corporal punishment of girls prohibited in Shenzhen Special Economic Zone

143 Prohibited in nurseries and kindergartens

144 Possibly unlawful in care institutions

145 But no explicit prohibition and application of law in indigenous communities unconfirmed

146 But no explicit prohibition and application of law in indigenous communities unconfirmed

147 Lawful in indigenous communities

148 Government accepted one UPR recommendation to prohibit in the home and schools but rejected another similar recommendation (2009)

149 Possibly lawful under Shari'a law and in traditional justice systems

150 Prohibited in institutions providing early childhood education

151 Ministerial circular states corporal punishment should not be used but no prohibition in law

152 But no explicit prohibition

153 Possibly prohibited in care institutions

154 Possibly prohibited in preschool provision

155 Unlawful in institutions

156 Prohibited in preschool provision

157 Prohibited in early childhood education facilities

158 Government accepted UPR recommendation to prohibit in all settings (2009) but also indicated that this had been already achieved

159 Policy states corporal punishment should not be used but possibly no prohibition in law

160 Ministerial directive states corporal punishment should not be used but possibly no prohibition in law

161 Possibly lawful in social welfare institutions

162 Policy states corporal punishment should not be used but possibly no prohibition in law

163 Prohibited in institutions

164 Prohibited in institutions

165 Ruled unconstitutional in 2002 High Court ruling but legislation still to be amended

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
France <sup>166</sup>	NO	NO	NO	YES <sup>167</sup>	YES	YES
Gabon	NO	NO	SOME <sup>168</sup>	YES	YES	YES
Gambia	NO	NO	NO	NO	NO	YES
Georgia	NO	[SOME] <sup>169</sup>	NO	YES <sup>170</sup>	YES <sup>171</sup>	YES
Ghana <sup>172</sup>	NO	NO	NO	NO <sup>173</sup>	SOME <sup>174</sup>	YES
Grenada	NO	SOME <sup>175</sup>	NO	NO	NO	NO <sup>176</sup>
Guatemala <sup>177</sup>	NO	NO	NO	NO	YES	YES
Guinea	NO	NO	NO	NO <sup>178</sup>	[NO]	YES
Guinea-Bissau	NO	[NO]	[NO]	[YES]	[YES]	YES
Guyana	NO	SOME <sup>179</sup>	NO <sup>180</sup>	NO <sup>181</sup>	SOME <sup>182</sup>	SOME <sup>183</sup>
Haiti	NO <sup>184</sup>	[YES] <sup>185</sup>	[YES] <sup>186</sup>	YES	YES	YES
Indonesia	NO	NO <sup>187</sup>	NO	NO	YES <sup>188</sup>	SOME <sup>189</sup>
Iran	NO	NO	[SOME] <sup>190</sup>	YES	[YES]	NO <sup>191</sup>
Iraq	NO	NO	NO	NO	SOME <sup>192</sup>	YES
Ireland <sup>193</sup>	NO	SOME <sup>194</sup>	SOME <sup>195</sup>	YES	YES	YES
Jamaica	NO	YES	SOME <sup>196</sup>	NO <sup>197</sup>	YES	YES
Japan <sup>198</sup>	SOME <sup>199</sup>	NO	NO	YES <sup>200</sup>	NO	YES
Jordan <sup>201</sup>	NO	[SOME] <sup>202</sup>	[NO]	YES	[YES]	YES

166 Government accepted UPR recommendation to prohibit in all settings (2013) but made a general statement that acceptance did not necessarily imply a commitment to further action but could imply a commitment to continue existing efforts or maintain measures already in place

167 But no explicit prohibition and courts have recognised a "right of correction"

168 Prohibited in preschool provision

169 Possibly prohibited in care institutions

170 But no explicit prohibition

171 But no explicit prohibition

172 Government accepted UPR recommendations to prohibit in all settings (2008, 2012) but also defended "reasonable" punishment and in the context of reviewing the Constitution (2012) asserted that existing legislation adequately protects children

173 Ministerial directive possible advises against corporal punishment but no prohibition in law

174 Prohibited in prisons

175 Prohibited in child care homes

176 Prohibited in Juvenile Justice Act 2012, not yet in force

177 Government accepted UPR recommendation to prohibit in the home (2008) and in all settings (2012) but has also said that corporal punishment is prohibited under existing law

178 Ministerial circular possibly advises against corporal punishment but no prohibition in law

179 Prohibited in some but not all settings in Child Care and Services Development Act 2011

180 But possibly prohibited in some day care in Child Care and Services Development Act 2011

181 Prohibition in Education Bill under discussion (2013)

182 Lawful for persons over 16

183 Lawful for persons over 16

184 Possibly prohibited by 2001 law but no unequivocal information

185 Prohibition in foster care unconfirmed

186 Prohibition in crèches and childminding unconfirmed

187 National Standards of Care for Child Welfare Institutions state corporal punishment should not be used but no prohibition in law

188 But no explicit prohibition

189 Lawful under Shari'a law in Aceh province and in regional regulations based on Shari'a law in other areas

190 Possibly unlawful in preschool provision

191 Amendments to Penal Code under discussion which would limit but not prohibit corporal punishment of child offenders (2011)

192 Prohibited in prisons and detention centres

193 Government "partially accepted" UPR recommendation to prohibit in the home (2011)

194 Prohibited in Special Care Units

195 Prohibited in pre-school settings

196 Prohibited in early childhood centres ("basic schools")

197 But see note on day care; prohibition in all schools under discussion (2013)

198 Government accepted UPR recommendations to prohibit all corporal punishment (2008, 2012), but denied that the legal "right to discipline" allowed for corporal punishment and stated that the law adequately protects children from "excessive" discipline (2012)

199 Prohibited in Kawasaki City by local ordinance

200 Prohibited in 1947 School Education Law but 1981 Tokyo High Court judgment stated some physical punishment may be lawful in some circumstances

201 Government accepted UPR recommendation to prohibit in all settings (2009) but stated that laws do not prescribe any form of corporal punishment and subsequently amended

but did not repeal the parental right to discipline children according to "general custom"

202 Possibly prohibited in institutions

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Kazakhstan	NO	[SOME] <sup>203</sup>	SOME <sup>204</sup>	YES <sup>205</sup>	YES	YES
Kiribati	NO	NO	NO	YES	NO	NO
Kuwait <sup>206</sup>	NO	NO	NO	[YES]	[YES]	[YES]
Kyrgyzstan <sup>207</sup>	NO	SOME <sup>208</sup>	NO	YES	[YES]	YES
Lao PDR	NO	NO	SOME <sup>209</sup>	YES <sup>210</sup>	YES <sup>211</sup>	YES
Lebanon	NO	NO	NO	NO	[YES]	YES
Lesotho <sup>212</sup>	NO	NO	NO	NO	YES	YES
Liberia	NO	SOME <sup>213</sup>	SOME <sup>214</sup>	NO	YES	YES
Libyan Arab Jamahiriya	NO	NO	SOME <sup>215</sup>	YES	NO	NO
Madagascar	NO	NO	NO	[YES]	NO	YES
Malawi	NO	SOME <sup>216</sup>	SOME <sup>217</sup>	[YES] <sup>218</sup>	YES	YES
Malaysia	NO	NO	NO	NO	NO	NO <sup>219</sup>
Mali	NO	NO	SOME <sup>220</sup>	YES	YES <sup>221</sup>	YES
Malta	NO	NO	[SOME] <sup>222</sup>	YES <sup>223</sup>	[YES]	YES
Marshall Islands	NO	NO	NO	NO	NO	YES
Mauritania	NO	NO	NO	NO <sup>224</sup>	NO	NO
Mexico	NO	NO	NO	NO	NO	YES
Micronesia	NO	NO	NO	[YES]	NO	YES
Monaco	NO	NO	NO	YES <sup>225</sup>	YES <sup>226</sup>	YES
Mozambique	NO	NO	NO	NO <sup>227</sup>	YES	YES
Myanmar	NO	NO	NO	[NO] <sup>228</sup>	NO	YES <sup>229</sup>
Namibia	NO	SOME <sup>230</sup>	SOME <sup>231</sup>	YES	YES <sup>232</sup>	YES <sup>233</sup>

203 Possibly prohibited in children's villages

204 Prohibited in preschool education and training

205 But no explicit prohibition

206 Government accepted UPR recommendation to prohibit (2010) but has since stated that corporal punishment is unlawful under existing law

207 Government accepted UPR recommendation to prohibit in all settings but also stated that corporal punishment is already unlawful (2010)

208 Prohibited in residential institutions

209 Unlawful in early childhood education settings

210 But no explicit prohibition

211 But no explicit prohibition

212 Government accepted UPR recommendation to abolish corporal punishment (2010), stating that it was in the process of implementation; subsequent law reform prohibited corporal punishment as a sentence for crime but not in the home or other settings

213 Children's Law 2011 prohibits corporal punishment by child protection practitioners

214 Children's Law 2011 prohibits corporal punishment by child protection practitioners

215 Unlawful in preschool provision

216 Prohibited in state-run institutions

217 Prohibited in state-run day care

218 Prohibition in private schools unconfirmed

219 Government committed to prohibition of judicial caning for persons under 18 (2007)

220 Prohibited in preschools and kindergartens

221 But no explicit prohibition

222 Possibly unlawful in preschool provision

223 But no explicit prohibition

224 Ministerial Order states corporal punishment should not be used but no prohibition in law

225 But no explicit prohibition

226 But no explicit prohibition

227 Government directive advises against corporal punishment but no prohibition in law

228 Government directive advises against corporal punishment but no prohibition in law

229 But some legislation still to be repealed

230 Unlawful in state-run childcare under 1991 Supreme Court ruling but some legislation still to be repealed; Child Care and Protection Bill would prohibit (2011)

231 Unlawful in state-run childcare under 1991 Supreme Court ruling but some legislation still to be repealed; Child Care and Protection Bill would prohibit (2011)

232 Unlawful under 1991 Supreme Court ruling but some legislation still to be repealed; Child Care and Protection Bill would prohibit (2011)

233 Unlawful under 1991 Supreme Court ruling but some legislation still to be repealed

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Nauru	NO	NO	NO	NO	NO	[YES]
Nigeria	NO	NO	NO	NO	SOME <sup>234</sup>	SOME <sup>235</sup>
Niue	NO	NO	NO	NO	[YES]	YES
Oman	NO	NO	NO	YES	NO	[YES]
Palestine	NO	NO	NO	SOME <sup>236</sup>	[NO] <sup>237</sup>	[NO] <sup>238</sup>
Paraguay <sup>239</sup>	NO	SOME <sup>240</sup>	NO	NO	YES	YES
Qatar <sup>241</sup>	NO	NO	NO	NO <sup>242</sup>	YES	NO
Rep. of Korea <sup>243</sup>	SOME <sup>244</sup>	SOME <sup>245</sup>	SOME <sup>246</sup>	SOME <sup>247</sup>	YES <sup>248</sup>	YES
Russian Federation	NO	NO	NO	YES	YES <sup>249</sup>	YES
Rwanda <sup>250</sup>	NO	NO	NO	YES <sup>251</sup>	YES <sup>252</sup>	YES
Saudi Arabia <sup>253</sup>	NO	NO	NO	NO <sup>254</sup>	NO	NO
Senegal	NO	NO	NO	SOME <sup>255</sup>	[YES] <sup>256</sup>	YES
Seychelles	NO	NO	NO	NO <sup>257</sup>	NO	YES
Sierra Leone	NO	NO	NO	NO	NO	YES
Singapore	NO	NO	SOME <sup>258</sup>	NO	NO	NO
Solomon Islands <sup>259</sup>	NO	NO	NO	NO	YES	YES <sup>260</sup>
Somalia	NO	SOME <sup>261</sup>	SOME <sup>262</sup>	[SOME] <sup>263</sup>	SOME <sup>264</sup>	SOME <sup>265</sup>
St Kitts & Nevis	NO	NO	NO	NO	NO	NO
St Lucia	NO	NO	NO	NO	NO	YES
St Vincent & Grenadines	NO	NO	NO	NO	NO	NO

234 Prohibited in Child Rights Act 2003 but this not enacted in all states

235 Prohibited in Child Rights Act 2003 but this not enacted in all states and other legislation not amended; lawful in some areas under Shari'a law

236 Prohibited in UNRWA schools and in East Jerusalem; Ministerial direction advises against corporal punishment in public schools but no prohibition in law

237 Possibly unlawful in East Jerusalem

238 Possibly unlawful in Gaza

239 Draft legislation which would prohibit under discussion (2012)

240 Prohibited in shelter homes

241 Government accepted some UPR recommendations to prohibit but rejected another similar one, stating that corporal punishment is already prohibited (2010)

242 Code of Conduct for schools states corporal punishment should not be used but no prohibition in law

243 Government accepted UPR recommendations to prohibit in all settings (2012) but was unclear on the need for complete prohibition in the home

244 Prohibited in Seoul

245 Prohibited in Seoul

246 Prohibited in Seoul

247 Law prohibits direct physical punishment (involving physical contact) but not indirect physical punishment (no contact, e.g. painful positions); fully prohibited in Seoul

248 But no explicit prohibition

249 But no explicit prohibition

250 Government accepted UPR recommendation to prohibit, stating it considers it has already been implemented (2011) but recent law reform did not repeal the "right of correction"

251 But no explicit prohibition

252 But no explicit prohibition

253 Government accepted UPR recommendations to prohibit corporal punishment of children in schools and the penal system but stated that it was already prohibited in schools and care settings (2009)

254 Ministerial circulars advise against corporal punishment but no prohibition in law

255 Prohibited for 6-14 year olds

256 But no explicit prohibition and law permits use of force "in the case of inertia to the orders given"

257 Policy states corporal punishment should not be used but no prohibition in law

258 Prohibited in child care centres

259 Government accepted UPR recommendation to prohibit in all settings (2011) but stated that the Penal Code was being reviewed to ascertain whether further provision or guidance is necessary to clarify when corporal punishment is lawful

260 But used in traditional justice

261 Possibly prohibited in Somaliland

262 Possibly prohibited in Somaliland

263 Possibly prohibited in Somaliland

264 Prohibited in Somaliland

265 Prohibited in Somaliland



State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Sudan	NO	NO	NO	SOME <sup>266</sup>	NO	[YES] <sup>267</sup>
Suriname	NO	NO	NO <sup>268</sup>	NO <sup>269</sup>	YES	YES
Swaziland	NO	NO	NO	NO	NO	YES
Switzerland	NO <sup>270</sup>	SOME <sup>271</sup>	YES	YES	YES	YES
Syrian Arab Rep.	NO	NO	NO	NO <sup>272</sup>	NO	YES
Taiwan	NO	NO	[SOME] <sup>273</sup>	YES	YES	YES
Tonga	NO	NO	SOME <sup>274</sup>	YES	[YES]	NO <sup>275</sup>
Trinidad & Tobago	NO	NO <sup>276</sup>	NO <sup>277</sup>	NO <sup>278</sup>	NO <sup>279</sup>	NO <sup>280</sup>
Tuvalu <sup>281</sup>	NO	SOME <sup>282</sup>	NO	NO	SOME <sup>283</sup>	SOME <sup>284</sup>
UK	NO	SOME <sup>285</sup>	SOME <sup>286</sup>	YES	YES	YES
United Arab Emirates	NO	NO	NO	YES <sup>287</sup>	[YES]	NO
UR Tanzania	NO	SOME <sup>288</sup>	NO	NO	SOME <sup>289</sup>	SOME <sup>290</sup>
USA	NO	SOME <sup>291</sup>	SOME <sup>292</sup>	SOME <sup>293</sup>	SOME <sup>294</sup>	YES
Uzbekistan	NO	NO	NO	YES	YES <sup>295</sup>	YES
Vanuatu	NO	NO	NO	YES	YES	SOME <sup>296</sup>
Viet Nam	NO	NO	NO	YES	YES	YES
Western Sahara	NO	[NO]	[NO]	[NO]	[YES]	[YES]
Yemen	NO	NO	[SOME] <sup>297</sup>	YES	YES	NO

266 At federal level Child Act 2010 prohibits cruel punishment but not explicitly all corporal punishment; prohibited in Khartoum State  
 267 Possibly lawful under Shari'a law  
 268 Draft regulation to prohibit in day care centres under discussion (2011)  
 269 Government accepted UPR recommendation to prohibit in schools (2011)  
 270 2003 Federal Court ruling stated repeated and habitual corporal punishment unacceptable but did not rule out right of parents to use corporal punishment  
 271 Lawful as for parents in alternative care involving family placements  
 272 Ministry of Education advises against corporal punishment but no prohibition in law  
 273 Possibly prohibited in care centres under education legislation  
 274 Prohibited in preschool institutions  
 275 2010 Court of Appeal ruling stated that "it might be argued" whipping is unconstitutional but did not declare it to be so  
 276 Prohibited in Children Act 2012, not yet in force  
 277 Prohibited in Children Act 2012, not yet in force  
 278 Prohibited in Children Act 2012, not yet in force  
 279 Prohibited in Children Act 2012, not yet in force  
 280 Prohibited in Children Act 2012, not yet in force  
 281 Government accepted UPR recommendation to prohibit in 2008 but in 2013 accepted some UPR recommendations to prohibit and rejected others  
 282 Prohibited in hospital mental health wing  
 283 Corporal punishment by police officers prohibited  
 284 Island Courts may order corporal punishment  
 285 Prohibited in residential institutions and foster care arranged by local authorities or voluntary organisations throughout the UK  
 286 Prohibited in day care and childminding in England, Wales and Scotland; in Northern Ireland, guidance states physical punishment should not be used but no prohibition in law  
 287 But no explicit prohibition in private schools  
 288 Prohibited in residential institutions in Zanzibar  
 289 Prohibited in approved schools and remand homes in Zanzibar  
 290 Prohibited in Zanzibar  
 291 Prohibited in all care settings in 31 states, and in some settings in other states and District of Columbia  
 292 Prohibited in all care settings in 31 states, and in some settings in other states and District of Columbia  
 293 Prohibited in public schools in 29 states and District of Columbia, and in public and private schools in Iowa and New Jersey  
 294 Prohibited in 32 states  
 295 But no explicit prohibition  
 296 Permitted in rural areas under customary justice systems  
 297 Possibly prohibited in preschool provision

## The work of the Global Initiative

The Global Initiative carries out a wide range of activities specifically designed to promote law reform to prohibit corporal punishment in all settings and to support others in doing so. These include:

- Briefing and reviewing the work of international and regional human rights monitoring bodies and promoting follow-up to recommendations at national level
- Conducting legal research and reviewing other research and positive discipline materials, disseminated in individual country reports, regular publications and other formats as required
- Working with governments, UN agencies, human rights institutions and NGOs, commenting on draft legislation and bills and providing technical advice and support on all aspects of law reform to prohibit corporal punishment.

Detailed information on all aspects of prohibiting corporal punishment is available on the Global Initiative website: [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)



### Human rights law and corporal punishment

– details of international and regional human rights standards, the work of the Committee on the Rights of the Child and other treaty monitoring bodies and briefings submitted to them by the Global Initiative, and national high level court judgments

**Global progress** – reports on the legality of corporal punishment and progress towards prohibition in every state worldwide, detailed information on states which have achieved prohibition in all settings including the home, and useful facts and figures

**Research** – research on prevalence, children's views and experiences, the effects of corporal punishment and on the experiences of states which have achieved full prohibition

**Resources** – internet and other resources to support the promotion of positive discipline for parents, teachers and carers, downloads of useful reports

**Reform** – details of legislative and other measures to support law reform, information on international, regional and national campaigns for law reform, online resources to support the promotion of law reform (designed to supplement the Global Initiative legal reform handbook)

### Website for children

**Keep up to date**  
 The Global Initiative publishes a regular global e-newsletter with news of progress towards prohibition worldwide, new research and resources to support law reform, human rights monitoring and more (to subscribe email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)). There are also regional newsletters for Africa (email [vohito@endcorporalpunishment.org](mailto:vohito@endcorporalpunishment.org)) and the Caribbean (email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)).

# H

itting people is wrong – and children are people too. Corporal punishment of children breaches their fundamental rights to respect for their human dignity and physical integrity. Its legality breaches their right to equal protection under the law. Action is needed urgently in every region of the world to respect fully the rights of all children – the smallest and most fragile of people.



This eighth Global Report reviews the progress and the delays in prohibiting corporal punishment of children throughout the world, in the context of follow-up to the UN Secretary General's Study on Violence against Children. With at least 60 states expressing a commitment to law reform and immediate opportunities for positive action worldwide, the report aims to provoke and support action in all regions.

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

was launched in Geneva in 2001. It aims to act as a catalyst to encourage more action and progress towards ending all corporal punishment in all continents; to encourage governments and other organisations to “own” the issue and work actively on it; and to support national campaigns with relevant information and assistance. The context for all its work is implementation of the Convention on the Rights of the Child. Its aims are supported by UNICEF, UNESCO, human rights institutions, and international and national NGOs.



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

[www.endcorporalpunishment.org](http://www.endcorporalpunishment.org), [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)

**WORKING WITH**



**Save the Children**

**Save the Children's** vision is a world in which every child attains the right to survival, protection, development and participation. Our mission is to inspire breakthroughs in the way the world treats children, and to achieve immediate and lasting change in their lives. Save the Children opposes all corporal punishment and other humiliating punishment of children and works in close collaboration with local civil society organisations to promote the prohibition of corporal punishment and the promotion of parenting skills to ensure children's rights to protection as outlined in the UN Convention on the Rights of the Child.

[resourcecentre.savethechildren.se](http://resourcecentre.savethechildren.se), [raddabarnen.se](http://raddabarnen.se), [kundtjanst@rb.se](mailto:kundtjanst@rb.se)

For information  
about the UN Secretary  
General's Study on Violence  
against Children, see  
[www.unviolencestudy.org](http://www.unviolencestudy.org)