

# Ending legalised violence against children

GLOBAL REPORT 2011



Inside: tables of  
progress in all  
regions – page 24

*Children in Pakistan*

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

“... eliminating violent and humiliating punishment of children, through law reform and other necessary measures, is an immediate and unqualified obligation of States parties.”

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



Middle East and North Africa law reform workshop, Beirut, 2010

## The aims of the Global Initiative are supported by many international and national organisations, including:

Center for Effective Child Discipline, USA  
 Child Helpline International  
 Child Rights Network (CHIRN), Nigeria  
 Child Welfare League of Canada  
 Coalition Camerounaise des ONG pour les Droits de l'Enfant, Cameroon  
 Commission on Justice, Peace and Creation, National Council of Churches in India  
 Consortium for Street Children  
 Defence for Children International  
 Disabled Peoples' International  
 Disability Rights International  
 ECPAT International  
 Eurochild  
 Hong Kong Committee on Children's Rights  
 Human Rights Watch  
 Inclusion International  
 Instituto Interamericano del Niño, la Niña y Adolescentes  
 International Disability Alliance (IDA)  
 International Federation of Social Workers (IFSW)  
 International Federation for Parenting Education  
 International Federation Terre des Hommes  
 International Foster Care Association  
 International Society for the Prevention of Child Abuse and Neglect (ISPCAN)  
 National Society for the Prevention of Cruelty to Children, UK  
 NGO Group for the Convention on the Rights of the Child  
 OMCT – World Organisation Against Torture  
 Plan International  
 Promundo Institute, Brazil  
 Red por los Derechos de la Infancia en Mexico  
 Save the Children Australia  
 Save the Children Romania  
 Save the Children Spain

Save the Children Swaziland  
 Save the Children Sweden  
 Save the Children UK  
 Society for the Protection of the Rights of the Child (SPARC), Pakistan  
 Trinidad and Tobago Coalition for the Rights of the Child

### Individual supporters include:

Shirin-Aumeeruddy-Cziffra, Ombudsperson for Children, Mauritius  
 The Honourable Mme. Justice Désirée Bernard, Judge of the Caribbean Court of Justice, Trinidad and Tobago  
 Radhika Coomaraswamy, Special Representative to the UN Secretary General on children and armed conflict  
 His Holiness the Dalai Lama  
 Professor Doctor Yakin Ertürk, former Special Rapporteur on violence against women  
 Målfred Grude Flekkøy, Norway's and the world's first Ombudsman for Children  
 Thomas Hammarberg, Human Rights Commissioner, Council of Europe  
 Reidar Hjermann, Ombudsman for Children, Norway  
 Ms Moushira Khattab, former Vice-Chair, Committee on the Rights of the Child  
 Professor Yanghee Lee, former Chair, Committee on the Rights of the Child  
 Professor Manfred Nowak, former Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment  
 Lisbet Palme, Sweden, former member, Committee on the Rights of the Child  
 Mrs Mary Robinson, former UN High Commissioner for Human Rights  
 The Most Reverend Desmond M. Tutu, Anglican Archbishop Emeritus of Cape Town  
 Professor Jean Zermatten, Chair, Committee on the Rights of the Child

For a full list of prominent supporters, see [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)

# CONTENTS

Messages .....	2
Prohibiting all corporal punishment – progress and delay .....	4
Human rights – the driving force for prohibition .....	8
Making corporal punishment visible – the reality for children .....	13
Achieving law reform .....	15
The work of the Global Initiative .....	19
Active campaigns .....	20
Working with faith groups.....	23
Legality of corporal punishment: state by state analysis.....	24

## Acknowledgements

Photos from Heidi Jo Brady/Raising Voices (p. 20); Save the Children (front cover, inside front cover, pp. 13, 14, 15, 17, back cover); UNICEF/DPAC (p. 12); World Vision (p. 8)

Designed by Simon Scott

Printed in the UK by The Russell Press Limited, Nottingham

The Global Initiative to End All Corporal Punishment of Children is administered by the Association for the Protection of All Children, APPROACH Ltd, a registered charity No. 328132.

Registered office 94 White Lion Street, LONDON N1 9PF, UK.

### PUBLISHED 2011 BY:

Global Initiative to End All Corporal Punishment of Children [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)

Save the Children Sweden <http://resourcecentre.savethechildren.se>

This publication is partly financed by Sida (Swedish International Development Cooperation Agency).

Sida has not taken part in its production and does not assume responsibility for its content.

# Messages



**Jean Zermatten**  
Chair, UN Committee on the Rights of the Child

*Hillary A., daughter of Texas judge WA, who gives his daughter a savage beating in an internet video viewed more than two million times, says she feels some regret about uploading a video of her father belting her but that she hopes it forces him to get help.... Judge will not face police charges but has stopped presiding over child abuse cases. But he said it “looks worse than it is” and later: “In my mind I haven’t done anything wrong other than discipline my child after she was caught stealing.” The beating occurred not only once, but often when the daughter was sixteen...*

This short and true story of a person who was supposed to be a judge and to exercise fit judgment reminds us of the reality: children continue to be victims of all kinds of punishments, under the pretext of discipline, not only in Texas, but in many countries of the world – if not in all.

Despite campaigns, despite new legislation, despite calls to stop this harmful practice ... adults go on believing that they are using these sanctions for the good of their children, of their pupils, of the children they have to take care of in public or private institutions.

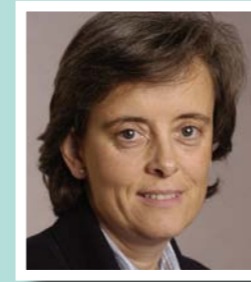
And this despite also the fact that corporal punishment, as well as all other forms of violence against children, has been a constant concern of the UN Committee on the Rights of the Child since the very beginning of its activities. I will mention the consistent Concluding Observations for the respective States parties, and the General Comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, and references in other general comments to the topic of violence. I don’t have to say that the 2006 report of the independent expert for the United Nations Study on Violence against Children (A/61/299) has made a crucial contribution; members of the Committee regularly ask States to implement the recommendations of the Study, including to prohibit all corporal punishment.

In addition, in February 2011, the Committee issued its General Comment No. 13 on the Right of the Child to Freedom from All Forms of Violence. This new text is a logical outcome of the long process from 1991 to 2011, expressing the obvious concern of the Committee with regard to all forms of violence which, regrettably, children are the victims of.

What more is there to say today? Nothing new, but I want to repeat that the status of the child, as the subject of rights and not only a beneficiary of services or object of protection, is based on the evidence that the child is a person, worthy of dignity; this requires that every child is recognised, respected and protected as a unique and valuable human being with an individual personality, distinct needs, interests and privacy.

Acting as the judge WA did is not only an offence under criminal law in a large number of countries, but above all a crime against the dignity of the child, all over the planet.

Every child deserves our respect!



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

Law reform to prohibit violence against children is an essential component of a robust national system to protect children’s rights and constitutes a decisive priority for my mandate as Special Representative of the Secretary General on Violence against Children. A comprehensive and explicit legal ban is indispensable to convey an unequivocal message that children’s right to freedom from violence must be safeguarded everywhere and at all times; with supportive detailed provisions in specific pieces of legislation, it helps to prevent and address distinct forms of violence and tackle this child rights violation in specific settings. Children’s legal protection from violence is a core component of the implementation of the Convention on the Rights of the Child and has been identified as a strategic goal for regional organisations and for national efforts aiming at the prevention and elimination of violence against children. The Global Initiative makes a significant contribution to this process. Its information campaigns and comprehensive periodic reports help to capture change and mobilise public support for children’s legal protection from violence. Joining hands together, we can build a world where all children, without discrimination of any kind, are protected by effective legislation and enjoy human rights in a violence free environment.



**Professor Paulo Sérgio Pinheiro**  
The Independent Expert who led the UN Secretary General’s Study on Violence against Children and Commissioner and Rapporteur on the Rights of the Child, Inter-American Commission on Human Rights, OAS

As the Global Initiative reminds us the UNSG’s Study report, which I presented to the General Assembly in 2006, set a target of 2009 for prohibition of all legalised violence against children. Yes this was wildly over-optimistic – but how could we justifiably be “realistic” about the time it takes to convince governments to prohibit such obvious human rights violations against their youngest citizens? How could we be true to children and yet condemn another whole generation to suffer childhoods scarred by deliberate and legalised adult violence?

Each year, these reports document frustrating delays in every region. New analyses in this 2011 report show how shamelessly some states continue to ignore repeated calls by the international human rights bodies for them to fulfil their legal obligations and stop the authorisation and justification of violence disguised as discipline. On the other hand, the number of states banning all forms of corporal punishment inexorably rises. And there is particular encouragement in the coverage of this issue in the Universal Periodic Review process at the Human Rights Council, where states are increasingly active in challenging corporal punishment: over 90 relevant recommendations were made during examinations in the first cycle, accepted by 47 of the targeted states. If there is effective and immediate follow-up, this should surely accelerate progress.

# Prohibiting all corporal punishment – progress and delay

*“No violence against children is justifiable; all violence against children is preventable....”*

*“The Study should mark a turning point – an end to adult justification of violence against children, whether accepted as ‘tradition’ or disguised as ‘discipline’. There can be no compromise in challenging violence against children. Children’s uniqueness – their potential and vulnerability, their dependence on adults – makes it imperative that they have more, not less, protection from violence.”*

These were the opening words of the final report of the UN Study on Violence Against Children in 2006 – a report which went on to recommend that states prohibit violence against children, including all corporal punishment, by the year 2009. But where do we stand in 2011, five years on from the report and two years beyond the target date for law reform? As this sixth annual report from the Global Initiative shows, there has undoubtedly been progress. The numbers of states prohibiting corporal punishment, of states publicly committed to prohibition, and of national and regional campaigns for law reform continue to grow. But the years have also been marked by a delay in taking action. The vast majority of the world’s children are still not legally protected from all corporal punishment.

There is no excuse. The human rights obligation to both prohibit and eliminate corporal punishment is clear: the Committee on the Rights of the Child has now recommended prohibition on at least one occasion to almost all states and the issue has featured highly in the Universal Periodic Review of states’ human rights records by the Human Rights Council. Not all states have undertaken research on corporal punishment but there has been enough to show that it is widely prevalent in all regions – lack of visibility is no longer a problem. There are plenty of opportunities for achieving prohibition, as legislation is revised and reviewed and governments ostensibly attempt to harmonise domestic laws with their international obligations.

This report charts both the progress made and the lack of it in realising children’s rights to respect for their human dignity and physical integrity and to equal protection under the law, and outlines further actions that can be taken to promote law reform. Eliminating corporal punishment and all other cruel, inhuman or degrading punishment or treatment of children requires other sustained educational measures. But without the foundation of clear and explicit prohibition, children’s human rights simply cannot be fulfilled.

*“All States have criminal laws to protect citizens from assault. Many have constitutions and/or legislation reflecting international human rights standards and article 37 of the Convention on the Rights of the Child, which uphold ‘everyone’s’ right to protection from torture and cruel, inhuman or degrading treatment or punishment. Many also have specific child protection laws that make ‘ill-treatment’ or ‘abuse’ or ‘cruelty’ an offence. But ... such legislative provisions do not generally guarantee the child protection from all corporal punishment and other cruel or degrading forms of punishment.”*

(Committee on the Rights of the Child, General Comment No. 8, 2006, para. 30)

## Progress towards prohibition ...

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

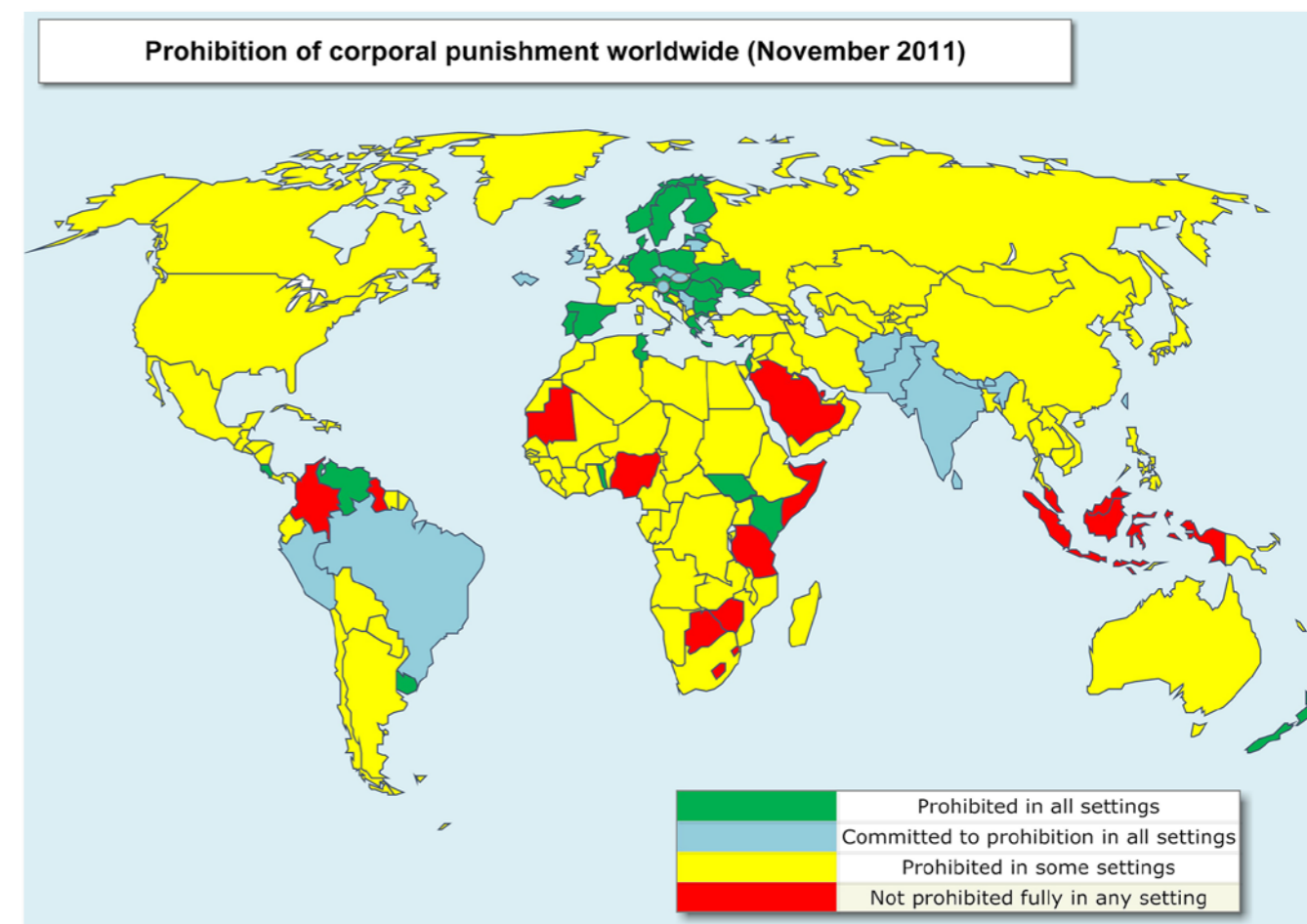
Austria; Bulgaria; Costa Rica; Croatia; Cyprus; Denmark; Finland; Germany; Greece; Hungary; Iceland; Israel; Kenya; Latvia; Liechtenstein; Luxembourg; Netherlands; New Zealand; Norway; Poland; Portugal; Republic of Moldova; Romania; South Sudan; Spain; Sweden; Togo; Tunisia; Ukraine; Uruguay; Venezuela

### 22 states are committed to law reform and/or are actively considering bills or draft legislation which would achieve full prohibition:

Afghanistan; Bangladesh; Bhutan; Brazil; Canada; Czech Republic; Estonia; India; Ireland; Lithuania; Maldives; Mongolia; Nepal; Nicaragua; Pakistan; Peru; Philippines; Serbia; Slovakia; Slovenia; Sri Lanka; Taiwan

The number of states which have reformed their legislation to ensure corporal punishment is prohibited in all settings, including the home, has more than doubled since the UN Study. By 2005, 15 states had achieved full prohibition. By November 2011, this number had grown to 31 and now includes states in Africa, East Asia and the Pacific, and Latin America. A number of states have publicly committed to prohibiting corporal punishment in all settings, many of which are actively considering draft legislation. A majority of states have achieved prohibition in some settings outside the home – corporal punishment is now prohibited in all schools in 119 states, as a sentence of the courts in 155 states, as a disciplinary measure in penal institutions in 115 states, and in alternative care settings in 37 states.

There has also been progress at a regional level. The Council of Europe became the first inter-governmental organisation to campaign for an end to corporal punishment of children, in 2008 launching its “Raise your hand against smacking” campaign which aims to achieve law reform to prohibit corporal punishment in all settings, including the home, throughout its 47 member states (see [www.coe.int/t/dg3/children/corporalpunishment/](http://www.coe.int/t/dg3/children/corporalpunishment/)). A regional campaign is soon to be launched in South Asia (see page 6). Regional technical workshops where government and non-government representatives have together discussed prohibition of all corporal punishment and begun to draft strategies to achieve it have been held in Bangkok (2009, for South East Asia), Kenya (2009, for Eastern and Southern Africa), Lebanon (2010, for the Middle East and North Africa) and Nepal (2010 and 2011, for South Asia). In 2011, a strategic consultation was held in Burkina Faso to consider how to accelerate prohibition and elimination of corporal punishment across Africa (see page 6).



## Regional advances towards law reform

### South Asia

States in South Asia first made commitments to prohibiting and eliminating corporal punishment in all settings at the Regional Consultation on the UN Study in Islamabad in May 2005. A major outcome of the consultation was the formation of the South Asia Forum for Ending Violence against Children (SAF), comprising representatives from the Governments of Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka, representatives of civil society, and children working to end violence against children.

In 2010, the Forum became the South Asia Initiative to End Violence Against Children (SAIEVAC) and adopted a strategic work plan. SAIEVAC also adopted a commitment to action (the Kathmandu Commitment to Action for Ending Violence Against Children) which includes a focus on following up the recommendations of the UN Study.

Corporal punishment is a key issue for SAIEVAC. In November 2010 it held its first Technical Meeting on legal reform in Kathmandu, Nepal; national action plans to achieve prohibition of corporal punishment were developed. A second workshop was held in September 2011 at which progress was assessed and further action identified. SAIEVAC's Governing Body went on to endorse a progress report on South Asia to be published jointly with the Global Initiative and Save the Children Sweden. SAIEVAC is launching a regional campaign to prohibit and eliminate corporal punishment of children in all eight member states. For further information see [www.saievac.info](http://www.saievac.info).

### Africa

As part of a joint project to promote law reform and support national campaigns for the prohibition and elimination of corporal punishment of children in all regions of Africa, the African Child Policy Forum and the Global Initiative to End all Corporal Punishment of Children, in collaboration with the African Committee of Experts on the Rights and Welfare of the Child, held a Strategic Consultation on ending corporal punishment of children across Africa in Ouagadougou, Burkina Faso, in February/March 2011.

The Consultation was opened by Mrs Pascaline Tamini, then Minister of Social Action and National Solidarity of Burkina Faso. It was attended by high level representatives of the Burkina Faso Government, Members of the Burkina Faso Parliament, and key stakeholders from across Africa. The Consultation received supportive messages from Marta Santos Pais, Special Representative on Violence against Children to the UN Secretary General and Professor Paulo Sérgio Pinheiro, the Independent Expert who led the UN Secretary General's Study on Violence against Children.

The Consultation resulted in the development of a Strategic Plan to accelerate the prohibition and elimination of all corporal punishment of children across Africa. The Plan sets out proposals for further action to accelerate law reform and other measures to eliminate corporal punishment and all other cruel or degrading forms of punishment of children, and identifies responsibilities and partners, with the aim of speeding progress across Africa.

The Strategic Plan and a report of the consultation are available at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org) and at [www.africanchildforum.org](http://www.africanchildforum.org).

## And lack of progress...

Despite the significant achievements, the pace of reform remains unacceptably slow. Too many governments on the one hand claim to support ending all forms of violence against children while on the other they fail to prohibit violence disguised as discipline or punishment. The number of states which have achieved prohibition in all settings is almost matched by the number where it has not been fully prohibited in any setting. Only 5.0% of the global child population is growing up in countries where they are protected in law from punitive assault by adults in all settings of their lives.

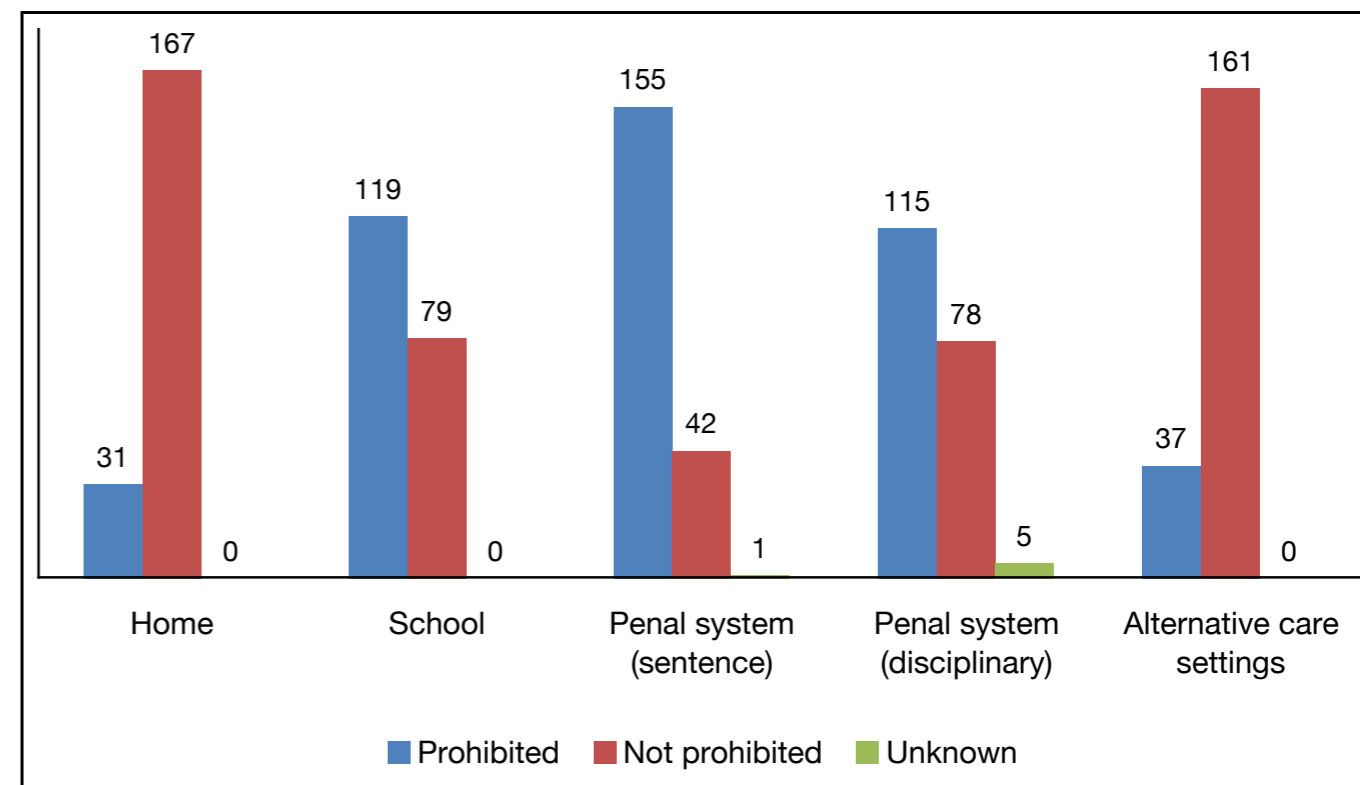
### In 29 states – where a third of the world's children live – corporal punishment is not fully prohibited in any setting:

Antigua and Barbuda; Barbados; Botswana; Brunei Darussalam; Colombia; Dominica; Eritrea; Grenada; Guyana; India; Indonesia; Lesotho; Malaysia; Maldives; Mauritania; Nigeria; Pakistan; Palestine; Qatar; Saudi Arabia; Singapore; Somalia; St Kitts and Nevis; St Vincent and the Grenadines; Swaziland; Trinidad and Tobago; Tuvalu; United Republic of Tanzania; Zimbabwe

### In 43 states – where two-fifths of the world's children live – corporal punishment (caning, flogging, whipping) is lawful as a sentence for crime under state, religious and/or traditional systems of justice:

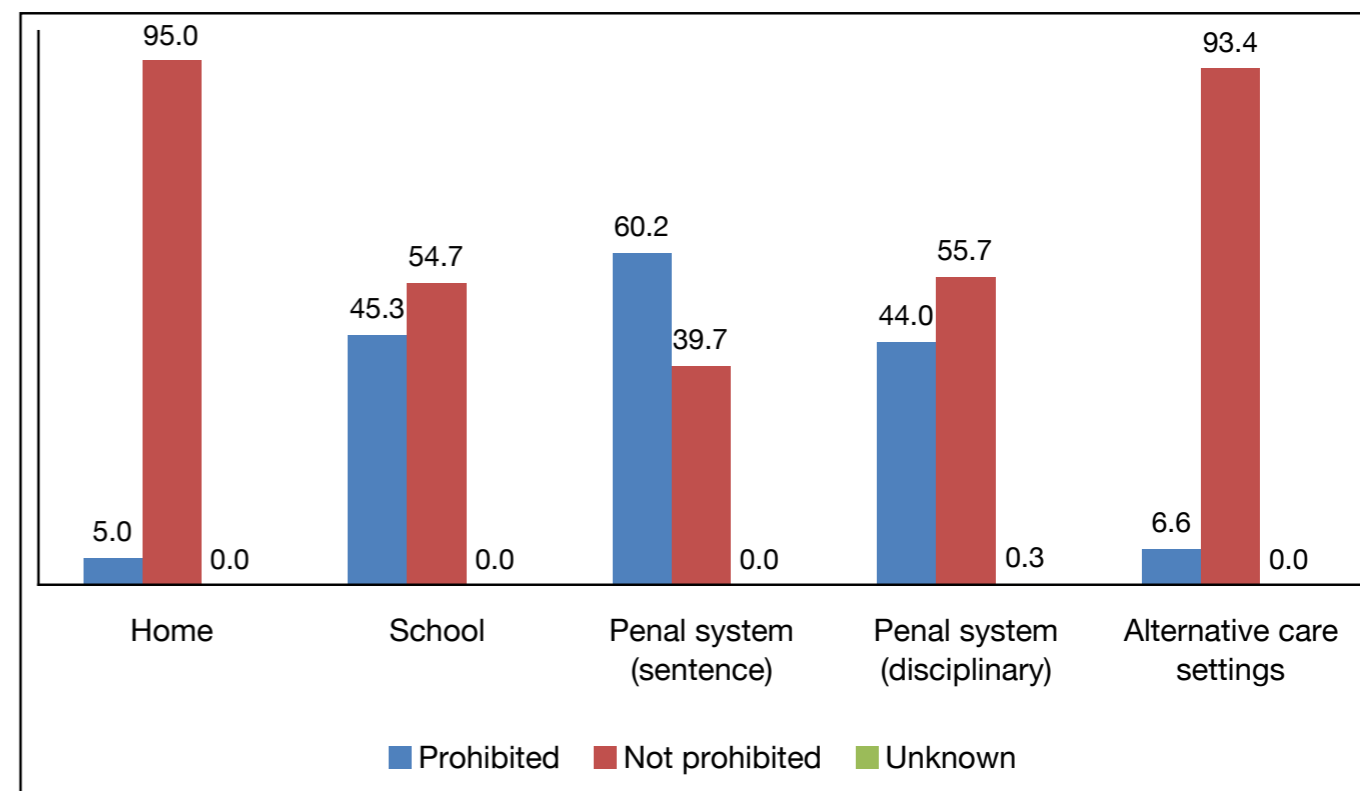
Afghanistan; Antigua and Barbuda; Bahamas; Bangladesh; Barbados; Bolivia; Botswana; Brunei Darussalam; Colombia; Dominica; Ecuador; Eritrea; Grenada; Guatemala; Guinea; Guyana; India; Indonesia; Iran; Kiribati; Lesotho; Libyan Arab Jamahiriya; Malaysia; Maldives; Mauritania; Nigeria; Pakistan; Palestine;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

## Number of states prohibiting corporal punishment of children in law



Note: The total number of states included in the analysis is 198, comprising 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. Information as at November 2011.

## Percentage of global child population protected in legislation from corporal punishment



Note: Child population figures (2009) from UNICEF ([www.unicef.org](http://www.unicef.org), accessed July 2011); where no UNICEF figures are available – for Bolivia, DR Congo, DPR Korea, Republic of Korea, Republic of Moldova, Serbia, Cyprus and Western Sahara – the source is *World Population Prospects 2009* (2010, 0-19 population) ([http://esa.un.org/wpp/unpp/panel\\_population.htm](http://esa.un.org/wpp/unpp/panel_population.htm), accessed July 2011); the source for Taiwan (2005) is the Children Bureau, Ministry of Interior; South Sudan figure is an estimate.

# Human rights – the driving force for prohibition

## Prohibiting corporal punishment is a human rights obligation

International human rights law requires that states prohibit by law all corporal punishment of children. The UN Convention on the Rights of the Child puts obligations on states which have ratified it – all except Somalia, South Sudan and the US – to:

- “protect the child from all forms of physical or mental violence while in the care of their parent(s), legal guardians or any other person who has the care of the child” (article 19)
- ensure that school discipline is “consistent with the child’s human dignity and in conformity with the present Convention” (article 28.2), and
- ensure that “no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment” (article 37)

Since the very beginning of its work monitoring implementation of the Convention, the Committee on the Rights of the Child has interpreted these articles as requiring states to reform their laws to prohibit corporal punishment – in the home and other settings. To date (November 2011), the Committee has made 311 recommendations concerning corporal punishment of children to 182 states.

The treaty monitoring bodies for other international human rights instruments have long been concerned with corporal punishment in justice systems and, increasingly, in schools and the home. The Committee Against Torture has since 1995 made recommendations to states concerning corporal punishment in the penal system and since 2007 has recommended prohibition in all settings, including the home. The Human Rights Committee first made recommendations concerning corporal punishment in the penal system in 1993, in schools in 1995 and in all settings in 2007. Recommendations have also been made by the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women. The first concluding observations of the Committee on the Rights of Persons with Disabilities, issued in 2011, welcomed the prohibition of all forms of violence – including all corporal punishment – in Tunisia. And many of the treaty bodies raise the issue of corporal punishment of children in the List of Issues they adopt for each state, warning states of issues to be raised in the examination.



Girl speaking at a press conference in Lebanon

## The UN Convention on the Rights of Persons with Disabilities

Research has shown – the UN Study on Violence against Children confirmed – that children with disabilities are particularly vulnerable to violence, including corporal punishment, and corporal punishment is a significant cause of disability among children (see page 14).

The Convention on the Rights of Persons with Disabilities, which came into force in 2008 and has been ratified by 105 states, confirms that children with disabilities should enjoy all human rights and fundamental freedoms on an equal basis with other children (article 7). It also states that all persons have the rights to freedom from torture and cruel, inhuman or degrading treatment or punishment (article 15), to freedom from exploitation, violence and abuse within and outside the home (article 16) and to respect for their physical and mental integrity (article 17). The Committee on the Rights of Persons with Disabilities began reviewing implementation of the Convention in states parties in 2011 and the concluding observations issued so far demonstrate the Committee’s concern at violence against children with disabilities.

## The Universal Periodic Review

States’ overall human rights records are examined by the Human Rights Council in the Universal Periodic Review (UPR). The first cycle of this four-year process ended in 2011; the second cycle will take place during 2012-2016. At the time of writing this report, the working group reports of the last session of the first cycle are not available, but analysis of the other sessions shows that recommendations concerned with prohibition of corporal punishment were made to over 90 states. A full analysis of how the right to freedom from corporal punishment was reviewed in the first cycle of the UPR is available at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org).

### 47 states accepted recommendations on corporal punishment:

Andorra; Armenia; Azerbaijan; Bangladesh; Belize; Bolivia; Brunei Darussalam; Chad; Comoros; Dominican Republic; El Salvador; Estonia; Ghana; Honduras; Hungary; Jamaica; Japan; Jordan; Kuwait; Kyrgyzstan; Latvia; Lesotho; Mali; Mexico; Mongolia; Nicaragua; Niger; Palau; Panama; Papua New Guinea; Qatar; Rwanda; Samoa; San Marino; Sao Tome and Principe; Saudi Arabia; Senegal; Serbia; Slovakia; Slovenia; Solomon Islands; Suriname; Switzerland; Turkey; Tuvalu; Vanuatu; Yemen

### 22 states rejected recommendations on corporal punishment:

Albania; Australia; Bahamas; Barbados; Belgium; Botswana; Brunei Darussalam; Comoros; Dominica; Eritrea; Ethiopia; Georgia; Italy; Malta; Myanmar; Saudi Arabia; Singapore; St Lucia; St Vincent and the Grenadines; Sudan; UK; United Arab Emirates

### 23 states which have yet to achieve full prohibition neither accepted nor rejected recommendations on corporal punishment, or have still to make their responses:

Argentina; Belarus; Bhutan; Canada; Cape Verde; Djibouti; Gabon; Gambia; Grenada; Guatemala; Guyana; Kiribati; Libyan Arab Jamahiriya; Malawi; Malaysia; Maldives; Mauritania; Republic of Korea; Seychelles; Somalia; South Africa; St Kitts and Nevis; TFYR Macedonia

### A small minority of states openly defended the use and legality of corporal punishment:

**Bahamas:** “corporal punishment is a reasonable act of discipline”

**Botswana:** “it is a legitimate and acceptable form of punishment, as informed by the norms of the society”

**Malta:** “concepts of lawful correction and reasonable chastisement are in no way equivalent to corporal punishment”

**Singapore:** “corporal punishment was not common and was only conducted as a last resort with strict regulations, guidelines and procedures ... only available for a specified list of serious crimes, and was not lightly imposed”

(Quotations taken from the reports of the Working Group on the UPR of each state)

The positive responses of many states to the UPR recommendations provide opportunities for NGOs and human rights institutions to step up advocacy for law reform to achieve prohibition.

A few states have rejected recommendations in the belief that existing legislation already adequately protects children from corporal punishment, in which case awareness raising is necessary to highlight the duty to ensure the law explicitly and comprehensively prohibits corporal punishment in all settings.

Where governments oppose law reform and openly defend the use and legality of corporal punishment, human rights institutions, NGOs and other child rights advocates may need to consider the use of legal action and international and regional human rights complaint/communication mechanisms to step up pressure (see pages 11-12).

The Global Initiative is happy to provide technical advice and support on how to use recommendations from the UPR and other treaty bodies to promote law reform as well as on all aspects of submitting information to the Human Rights Council and other treaty bodies to ensure that corporal punishment is considered in future reviews.

## Promoting prohibition should make full use of human rights treaties

The provisions in human rights treaties identifying the rights guaranteed under those treaties – including rights to respect for human dignity and physical integrity, equality under the law, freedom from torture and other cruel, inhuman or degrading treatment or punishment and other rights relevant to corporal punishment of children – provide the foundation for promoting prohibition and elimination of all corporal punishment. Recommendations made to states by the treaty monitoring bodies, following reviews of their implementation of the instruments they have ratified, remind states of their obligations and increase pressure on governments to fulfil these obligations. These recommendations can be used effectively in campaigning for law reform, for example in drawing attention to obligations and governments’ duty to meet them and in raising awareness of children’s right to freedom from all corporal punishment.

Sometimes these recommendations together with other pressures lead to the achievement of the necessary law reform

### States in which recommendations by UN treaty monitoring bodies preceded the achievement of prohibition in all settings

State	Recommendation to prohibit	Prohibition achieved
Bulgaria	1997 (CRC)	2000
Costa Rica	2000 (CRC), 2005 (CRC), 2007 (CESCR), 2008 (CAT)	2008
Germany	1995 (CRC)	2000
Greece	2002 (CRC), 2005 (HRC)	2006
Kenya	2001 (CRC), 2005 (HRC), 2007 (CRC)	2010
Luxembourg	1998 (CRC), 2005 (CRC), 2008 (UPR)	2008
Netherlands	1999 (CRC), 2004 (CRC)	2007
New Zealand	1997 (CRC), 2003 (CRC), 2004 (CAT)	2007
Poland	1995 (CRC), 1999 (HRC), 2002 (CRC), 2008 (UPR)	2010
Portugal	2001 (CRC), 2007 (CAT)	2007
Rep. of Moldova	2002 (CRC)	2008
Romania	2003 (CRC)	2004
Spain	1994 (CRC), 2002 (CRC)	2007
Togo	1997 (CRC), 2005 (CRC)	2007
Tunisia	2002 (CRC), 2010 (CRC)	2010
Ukraine	1995 (CRC)	2004
Uruguay	2007 (CRC)	2007

to prohibit all corporal punishment of children. In 17 of the 31 states where corporal punishment is now unlawful in all settings, prohibition followed recommendations made by treaty monitoring bodies and/or during the Universal Periodic Review.

But in other cases, despite repeated recommendations, prohibition still has not been achieved. As already noted, a minority of states explicitly defended the legality of corporal punishment during the Universal Periodic Review, flatly contradicting the acceptance of the obligation to prohibit it signalled by their ratification of the Convention on the Rights of the Child. In nine states, the Committee on the Rights of the Child has recommended prohibition three times and still full prohibition has not been achieved (see page 11).

In states which are not actively progressing towards prohibiting all corporal punishment it is important to remember that the human rights system provides a framework for action that goes beyond simply reviewing implementation and making recommendations. When states fail to act on recommendations, prohibition can be pursued through:

- i. making full use of the Convention on the Rights of the Child which, like other international human rights treaties, is a legal instrument;
- ii. using complaints/communications mechanisms under the international/regional treaties; and
- iii. using inquiry procedures associated with particular treaties.

These are discussed further on pages 11-12.

### States to which the Committee on the Rights of the Child has recommended prohibition three times – but prohibition has still not been achieved in all settings

State	Recommendation to prohibit from the CRC
Bangladesh	1997, 2003, 2009
Belgium	1995, 2002, 2010
Ethiopia	1997, 2001, 2006
Georgia	2000, 2003, 2008
Japan	1998, 2004, 2010
Pakistan	1994, 2003, 2009
Republic of Korea	1996, 2003, 2011
Sudan	1993, 2002, 2010
UK	1995, 2002, 2008

### Panel to promote global progress to end corporal punishment of children

Professor Paulo Sérgio Pinheiro, who led the United Nations Study on Violence against Children on behalf of the UN Secretary General, has formed for the Global Initiative a panel of eminent human rights activists, aiming to encourage states to accelerate law reform and other measures to eliminate corporal punishment of children.

The members of the Panel are:

- Louise Arbour, former United Nations High Commissioner for Human Rights
- Fernando Henrique Cardoso, former President of Brazil
- Thomas Hammarberg, Commissioner for Human Rights, Council of Europe
- Stéphane Hessel, Ambassadeur de France
- Professor Yanghee Lee, former Chair, UN Committee on the Rights of the Child
- Aryeh Neier, President, Open Society Foundations
- Bertrand G. Ramcharan, former Deputy High Commissioner for Human Rights
- Pierre Sané, former Secretary-General, Amnesty International
- George Soros, Founder, Open Society Foundations
- Desmond M. Tutu, Anglican Archbishop Emeritus of Cape Town

The Panel is approaching heads of state and governments to encourage progress and to offer technical assistance.

## The Convention on the Rights of the Child as a legal instrument

States which have ratified the Convention on the Rights of the Child have a legal duty under international human rights law to implement it, including to prohibit and eliminate all corporal punishment of children.

Where progress towards prohibition is not being made, stronger advocacy should be pursued in the form of legal advocacy, for example to initiate a Constitutional challenge to corporal punishment and/or direct application of the Convention on the Rights of the Child and other relevant human rights instruments in national courts.

There have been a number of significant high level national court judgments which have ruled against corporal punishment of children in one or more settings. But it should be remembered that court rulings in themselves do not meet a state’s obligations to prohibit corporal punishment of children – there is always the possibility that future court rulings will overturn such legal interpretation. Prohibition must be achieved in legislation.

*“... we have no hesitation to hold that in the light of the Convention corporal punishment upon the children must be prohibited in all settings, including schools, homes and work places.”*

(Supreme Court, Bangladesh, 2011)

*“... at this time, so close to the dawn of the 21st century, juvenile whipping is cruel, it is inhuman and it is degrading.”*

(Constitutional Court, South Africa, 1995)

*“Children have rights no wit inferior to the rights of adults.... Our educational institutions should be sanctuaries of peace and creative enrichment, not places of fear, ill-treatment and tampering with the human dignity of students.”*

(High Court, Fiji, 2002)

## Complaints/communications mechanisms

Many of the international and regional human rights instruments provide for ways to address violations of the rights guaranteed in those instruments. These “complaints/communications mechanisms”, as they are known, may be used to challenge violations of children’s rights, including the persisting legality and use of corporal punishment. The mechanisms associated with the following international and regional instruments could potentially be used to challenge corporal punishment of children:

- International Covenant on Civil and Political Rights
- UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- UN Convention on the Elimination of All Forms of Discrimination Against Women
- UN Convention on the Rights of Persons with Disabilities
- African Charter on the Rights and Welfare of the Child
- African Charter on Human and Peoples’ Rights
- European Convention for the Protection of Human Rights and Fundamental Freedoms
- European Social Charter
- American Convention on Human Rights

There is also a mechanism connected to the International Covenant on Economic, Social and Cultural Rights but this has not yet come into force. A draft new Optional Protocol to the UN Convention on the Rights of the Child provides for a communications procedure and is expected to be presented for adoption by the General Assembly in December 2011 and opened for signature and ratification in 2012. The draft is available at [www2.ohchr.org/english/bodies/hrcouncil/OEWG/docs/A-HRC-17-36.doc](http://www2.ohchr.org/english/bodies/hrcouncil/OEWG/docs/A-HRC-17-36.doc). For further information see [www.childrightsnet.org/NGOGroup/childrightsissues/ComplaintsMechanism/](http://www.childrightsnet.org/NGOGroup/childrightsissues/ComplaintsMechanism/).

These mechanisms can be used provided that the state concerned has accepted their use (by ratifying the relevant treaty or its optional protocol, or making the appropriate declaration). A summary of states which have accepted the mechanisms is available from the Global Initiative. The mechanisms usually require that any possible use of national legal systems to challenge the human rights violation has been tried and has failed – a process known as “exhausting domestic remedies”. In most cases, the complaint/communication must be made by or on behalf of a victim or group of victims of the violation.

## Inquiry procedures

Many human rights instruments also provide for inquiry procedures. This means that the body monitoring implementation of the treaty may, on receipt of information concerning systematic violations of particular rights under the treaty, instigate an investigation into the situation. There are inquiry procedures associated with the following instruments, and again the state must have formally accepted them in order for them to be used:

- UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- International Covenant on Economic, Social and Cultural Rights
- UN Convention on the Rights of Persons with Disabilities
- UN Convention on the Elimination of All Forms of Discrimination Against Women

The draft new Optional Protocol to the Convention on the Rights of the Child also provides for an inquiry procedure.



Banner for the new three-year theme of the World Day of Prayer and Action for Children

# Making corporal punishment visible – the reality for children

## Children experience corporal punishment ...

### ... in the home

A major UNICEF study of more than 30 countries found that on average 75% of children experienced physical punishment and/or psychological aggression in the home, with 17% subjected to severe punishment – being hit on the head, ears or face or being hit hard and repeatedly.<sup>1</sup> This study focussed on low- and middle-income countries, but similar results are found in states with high-income economies: in a study in **Australia**<sup>2</sup> 71% of parents “smacked” their children; while a study in the **USA**<sup>3</sup> found that 65% of three year-olds had been “spanked” in the past month. In addition to being hit with hands or objects, children also experience a wide range of other violent, cruel and degrading treatment. For example, research in **Egypt**<sup>4</sup> found that 28% of children had been punished at home by being shaken, burned, beaten up, choked, smothered or kicked. Research on children’s views on corporal punishment is making their perspective visible to adults: children say that corporal punishment hurts physically and emotionally and makes them feel angry and scared.<sup>5</sup>

### ... at school

The proportion of school students who have experienced physical punishments such as beating is alarmingly high in many states: 75% in **Jamaica**,<sup>6</sup> 82% in **Nepal**,<sup>7</sup> 91% in **Bangladesh**,<sup>8</sup> 92% in **Botswana**.<sup>9</sup>

### ... in care settings

A study of childcare institutions in **Indonesia**<sup>10</sup> found that common punishments included pinching children’s stomachs, caning them, shaving their heads and throwing dirty water on them. In **Nepal**<sup>11</sup> punishments in child centres include hitting children, isolating them, locking them in the toilet, public humiliation, and forcing them to clean floors and toilets. A study in **Uganda**<sup>12</sup> found that orphans living with guardians experienced corporal punishment daily to monthly, including slapping and caning with sticks and logs.



Children in Bangladesh

### ... in the justice system

In **Panama**<sup>13</sup> inmates of juvenile detention centres experience punishments including beatings, the use of tear gas, being shot with rubber bullets and being threatened with rifles. Research in five juvenile detention centres in **Brazil**<sup>14</sup> found that beatings, and impunity for perpetrators, were common, and youths experienced lengthy periods of lock-up and being forced to stand for long periods of time in uncomfortable positions. In **Saudi Arabia**<sup>15</sup> children are regularly sentenced to flogging.

1 UNICEF (2010), *Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries*, NY: UNICEF  
2 Reported in *Herald Sun*, 19 May 2007  
3 Taylor, C. A. et al. (2010), “Use of spanking for 3-year-old children and associated intimate partner aggression or violence”, *Pediatrics*, 126(3), 415-424  
4 Runyan, D. et al. (2010), “International Variations in Harsh Child Discipline”, *Pediatrics*, 126(3), e701-e711  
5 Beazley, H. et al. (2006), *What Children Say: Results of comparative research on the physical and emotional punishment of children in Southeast Asia and Pacific*, 2005, Stockholm: Save the Children Sweden  
6 Samms-Vaughan, M. et al. (2004), *Jamaican Children’s Experiences of Corporal Punishment at Home and School*, University of the West Indies/Ministry of Health & University of Missouri-Columbia  
7 Reported in *The Rising Nepal*, 24 December 2006  
8 UNICEF (2009), *Opinions of Children of Bangladesh on Corporal Punishment: Children’s Opinion Poll 2008*, Dhaka: UNICEF & Ministry of Women and Children Affairs  
9 Reported in *Daily News*, 13 June 2007

10 Martin, F. & Sudjarat, T. (2007), *Someone That Matters: The Quality of Care in Childcare Institutions in Indonesia*, Jakarta: Save the Children, UNICEF & DEPSOS RI  
11 UNICEF & Terre des hommes (2008), *Adopting the Rights of the Child: A study on intercountry adoption and its influence on child protection in Nepal*, Kathmandu: UNICEF & Terre des hommes Foundation  
12 World Vision International – Africa Office (2005), *Violence Against Children affected by HIV/AIDS: a case study of Uganda*, Nairobi/NY: World Vision International  
13 Harvard International Human Rights Clinic, Alianza Ciudadana Pro Justicia & Asamblea Ciudadana de Panamá (2011), *Preventable Tragedy in Panama: Unnecessary Deaths and Rights Violations in Juvenile Detention Centers*  
14 Human Rights Watch (2004), “Real dungeons”: *Juvenile Detention in the State of Rio de Janeiro*, 16(7)  
15 Human Rights Watch (2008), *Adults Before Their Time: Children in Saudi Arabia’s Criminal Justice System*, 20(4(E))



## Corporal punishment and disability

Children with disabilities are among the least likely to be heard in research on corporal punishment, but some studies are making their experiences visible:

- A UNICEF study found that children with disabilities were significantly more likely to experience severe physical punishment than other children in seven of the 15 countries studied.<sup>16</sup>
- In the **USA**<sup>17</sup> school students with disabilities experience a high rate of “paddling” (being beaten with a wooden paddle), in some states being up to twice as likely to be “paddled” as students without disabilities.
- In some countries, children with disabilities experience extremely severe corporal punishment in institutional settings. A study of psychiatric institutions in **Turkey**<sup>18</sup> found that children were subjected to electroconvulsive treatment (ECT) without the use of muscle relaxants or anaesthesia. Reports on psychiatric hospitals, institutions, care facilities and shelters in **Mexico**<sup>19</sup> and **Serbia**<sup>20</sup> revealed that children with disabilities were kept in permanent restraints, including being tied to chairs, tied up with bedsheets and kept in cribs.

Corporal punishment is the direct cause of many children’s physical disabilities,<sup>21</sup> and is a risk factor for mental health problems in childhood and adulthood.<sup>22</sup>

## States with little or no research

Inquiries by the Global Initiative suggest that in over 70 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, Barbados, Bhutan, Botswana, Brunei Darussalam, Burundi, Cape Verde, Chad, Comoros, Congo (Republic of), Cook Islands, Cuba, Democratic People’s Republic of Korea, Denmark, Dominica, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Estonia, Greece, Grenada, Guatemala, Guinea, Honduras, Hungary, Iceland, Iran, Kiribati, Kuwait, Lesotho, Libya, Liechtenstein, Luxembourg, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Micronesia, Monaco, Nauru, Netherlands, Nicaragua, Niger, Niue, Norway, Palau, Papua New Guinea, Portugal, Qatar, Russian Federation, Rwanda, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Seychelles, Slovenia, South Sudan, Sri Lanka, Tonga, Turkmenistan, Tuvalu, United Republic of Tanzania, Uruguay, Uzbekistan and Western Sahara.

If you know of studies in any of these states, please send details to [elinor@endcorporalpunishment.org](mailto:elinor@endcorporalpunishment.org).



Speaking at an Art Workshop on Ending Corporal Punishment of Children, Philippines, 2006

# Achieving law reform

The aim of law reform to prohibit corporal punishment is to ensure that children have equal legal protection from assault to that which adults enjoy. The struggle to achieve equal protection reflects deep rooted negative attitudes towards children as somehow not fully human, as needing to experience pain in order to learn and become acceptable members of society, views sometimes reflected in religious beliefs. Corporal punishment in childrearing has long been socially regarded as acceptable or even a duty and in most states this is reflected in laws and/or court judgments (case law) which explicitly condone or authorise its use by parents and other adults. These laws often co-exist with other legislation purporting to protect children from violence and abuse. Prohibiting corporal punishment therefore requires legislation which sends a clear message that no corporal punishment of children – wherever they may be – is acceptable or lawful.

Prohibition of corporal punishment is achieved when:

- all defences and authorisations of corporal punishment are repealed (removed); and
- legislation explicitly prohibits all corporal punishment and other cruel and degrading punishment.

These key aspects of law reform are discussed further on the following pages with reference to laws from states which have achieved full prohibition.



Child in Pakistan



Campaign poster, Romania

16 UNICEF & University of Wisconsin (2008), *Monitoring Child Disability in Developing Countries: Results from the Multiple Indicator Cluster Surveys*  
 17 Human Rights Watch & American Civil Liberties Union (2009), *Impairing Education: Corporal Punishment of Students with Disabilities in US Public Schools*  
 18 Ahern, L. et al. (2005), *Behind Closed Doors: Human Rights Abuses in the Psychiatric Facilities, Orphanages and Rehabilitation Centers of Turkey*, Mental Disability Rights International  
 19 Rosenthal, E. et al. (2010), *Abandoned & Disappeared: Mexico's Segregation and Abuse of Children and Adults with Disabilities*, Disability Rights International & Comisión Mexicana de Defensa y Promoción de los Derechos Humanos  
 20 Ahern, L. et al. (2007), *Torment not Treatment: Serbia's Segregation and Abuse of Children and Adults with Disabilities*, Mental Disability Rights International  
 21 Krug, E. G. et al. (eds) (2002), *World Report on Violence and Health*, Geneva: World Health Organization  
 22 Gershoff, E. T. (2002), "Corporal Punishment by Parents and Associated Child Behaviors and Experiences: A Meta-Analytic and Theoretical Review", *Psychological Bulletin*, 128(4), 539–579

## Repealing defences and authorisations of corporal punishment

It is obvious that if corporal punishment is to be prohibited, laws and regulations which explicitly state that it can be used, by whom and in what manner, must be repealed. Equally, any provisions authorising a “right of correction”, or a “right to administer reasonable punishment/chastisement”, or a “right to moderately and adequately correct a child” must also be removed. Without explicit repeal of these defences and justifications, children do not have equal protection from assault: laws may exist against violence and abuse of children, but these are not interpreted as prohibiting all corporal punishment.

The laws in Costa Rica and Venezuela (see below) illustrate how defences and justifications can be repealed in an explicit way which sends a clear message that corporal punishment is unlawful, a message that would not be communicated if the defence was simply dropped from the law. The repeal of the defence in Tunisia was less explicit, but official commentaries on the reform clarify that its purpose is to prohibit all corporal punishment. States which prohibited corporal punishment in the home less recently, and which therefore have more experience of enforcing prohibition, also attest to the importance of explicitly repealing defences and ensuring the law sends a clear message which cannot be misinterpreted.

### Repealing legal defences and justifications for corporal punishment

<p><b>Costa Rica</b> (Family Code, amended 2008, article 143)</p> <p>(Code on Children and Adolescents, amended 2008, article 24bis)</p>	<p><i>Parental authority confers the rights and imposes the duties to orient, educate, care, supervise and discipline the children, which in no case authorises the use of corporal punishment or any other form of degrading treatment against the minors.</i></p> <p><i>Children and adolescents have a right to receive counselling, education, care and discipline from their mother, father or tutor, as well as from their caretakers or the personnel from educational and health centres, shelters, youth detention or any other type of centres, that in no way represents an authorisation of any sort to these parties for the use of corporal punishment or degrading treatment.</i></p>
<p><b>Venezuela</b> (Law for the Protection of Children and Adolescents, amended 2007, article 358)</p>	<p><i>The responsibility for raising children includes the shared duty and right, which is equal and non-derogable, of the father and mother to love, raise, train, educate and look after their children, sustain and assist them financially, morally and emotionally, using appropriate corrective measures that do not violate their dignity, rights, guarantees or overall development. Consequently, all forms of physical punishment, psychological violence and humiliating treatment, which harm children and young people, are prohibited.</i></p>

### Confirming equal protection from assault

<p><b>Tunisia</b></p>	<p>Before law reform, article 319 of the Penal Code provided a legal defence for the use of corporal punishment by parents, punishing non-injurious assault and violence but stating that “correction of a child by persons in authority over him is not punishable”. In July 2010, Parliament passed Law No. 2010-40 which explicitly removes this clause and makes it a criminal offence to assault a child even lightly. The law was published in the Official Gazette together with a statement from the Constitutional Council confirming that the new law makes the provisions against light assault in article 319 of the Penal Code equally applicable to “correction” of children.</p>
-----------------------	---

## Explicitly prohibiting all corporal punishment and other cruel and degrading punishment

When all authorisations and defences for corporal punishment are repealed, criminal law on assault applies to children as to all other persons and any assault, including in the name of “discipline”, will be unlawful, whoever the perpetrator. But to send a clear message, the law should explicitly state that corporal punishment is prohibited. In Costa Rica and Venezuela explicit prohibition was enacted as part of the repeal of defences for the use of corporal punishment. Other states explicitly prohibiting all corporal punishment in childrearing include Finland, Germany, Kenya, Poland, Sweden and Uruguay (see below).

### Explicitly prohibiting corporal punishment

<p><b>Finland</b> (Child Custody and Rights of Access Act, 1983, article 1.3)</p>	<p><i>A child shall be brought up in the spirit of understanding, security and love. He shall not be subdued, corporally punished or otherwise humiliated. His growth towards independence, responsibility and adulthood shall be encouraged, supported and assisted.</i></p>
<p><b>Germany</b> (Civil Code, amended 2000, article 1631)</p>	<p><i>Children have the right to a non-violent upbringing. Corporal punishment, psychological injuries and other humiliating measures are prohibited.</i></p>
<p><b>Kenya</b> (Constitution, 2010, article 29)</p>	<p><i>Every person has the right to freedom and security of the person, which includes the right not to be ...</i></p> <p><i>(c) subjected to any form of violence from either public or private sources;</i></p> <p><i>(d) subjected to torture in any manner, whether physical or psychological;</i></p> <p><i>(e) subjected to corporal punishment;</i></p> <p><i>(f) treated or punished in a cruel, inhuman or degrading manner.</i></p>
<p><b>Poland</b> (Family Code, amended 2010, article 96)</p>	<p><i>Persons exercising parental care, care or alternative care over a minor are forbidden to use corporal punishment, inflict psychological suffering and use any other forms of humiliation. (Unofficial translation)</i></p>
<p><b>Sweden</b> (Parenthood and Guardianship Code, amended 1979, article 1)</p>	<p><i>Children are entitled to care, security and a good upbringing. Children are to be treated with respect for their person and individuality and may not be subjected to corporal punishment or any other humiliating treatment.</i></p>
<p><b>Uruguay</b> (Code for Children and Adolescents, amended 2007, article 12bis)</p>	<p><i>It is prohibited for parents, guardians, and all other persons responsible for the care, treatment, education or supervision of children and adolescents, to use physical or any other kind of humiliating punishment as a form of correcting or disciplining children or adolescents. ...</i></p>



Marta Santos Pais speaking at the opening of the Middle East and North Africa law reform workshop in Beirut, 2010

## Using clear language

Prohibiting corporal punishment requires using language that is clear and not liable to misinterpretation. Laws which prohibit “all forms of violence” or which confirm the child’s right to “respect for human dignity and physical integrity” are unlikely to be perceived and interpreted as prohibiting all corporal punishment in childrearing by those who support the use of some degree of corporal punishment of children. Similarly, laws which prohibit “corporal punishment that causes harm” may be construed as not prohibiting all corporal punishment by those who believe that only physical punishment which reaches a certain threshold of severity is harmful and that “light” physical punishment is acceptable or even in the child’s best interests. So-called “compromise laws” – laws which limit rather than prohibit the use of corporal punishment (e.g. making corporal punishment of older children unlawful but allowing it for younger children, or prohibiting blows to the head or the use of an implement but allowing slaps) – do not achieve equal protection from assault for children.

### Laws prohibiting corporal punishment must be clear and unambiguous – the examples of Denmark and Norway

#### Denmark

In 1985, a private Bill was passed by Parliament which amended the Majority Act to state:

*Parental custody implies the obligation to protect the child against physical and psychological violence and against other harmful treatment.*

Commentators at the time suggested that although the reform was an indication to parents that violence should never be used in childrearing, its legal effects were uncertain. Some went on to suggest that parents’ traditional “right to punish” still existed and allowed at least minor forms of physical punishment.

In 1997, a Bill was proposed which would clarify the legal situation and send an explicit message that all corporal punishment is unacceptable and unlawful. The proposer of the Bill stressed the educative purpose of the reform, stating:

*In the opinion of the advocates of the change in the law, it is important for those groups who work with families to have firm, clear and unequivocal legal grounds for being able to say that under no circumstances may one use violence in the upbringing of a child.... Doctors, the police and social workers come into contact with families where children are regularly beaten. These groups will – if the law is changed – be able to point out that it is wrong to hit a child and instead give advice on other ways to resolve conflicts.... Clear legislation and a plainly worded explanation of the reasons for it are vital if we are to change public opinion on the issue of the corporal punishment of children.*

The Bill was passed and explicit prohibition was achieved through amending the Parental Custody and Care Act to state:

*The child has the right to care and security. He or she shall be treated with respect as an individual and may not be subjected to corporal punishment or any other degrading treatment.*

#### Norway

Until 1972, the Criminal Code provisions on assault stated that parents and others *in loco parentis* had the right to use moderate corporal punishment in bringing up children. In 1972, amid much controversy, this provision was removed. In theory, this reform made the criminal law on assault equally applicable to punitive assault of children by parents. But in reality it led to further confusion about parents’ right to punish children and a 1983 poll found that a considerable majority (68%) opposed prohibiting all physical punishment.

In 1987, an attempt was made to clarify the prohibition of corporal punishment by amending the Parent and Child Act. During debate, the Minister of Justice suggested that even though parental physical violence was already unlawful under the Criminal Code, this new reform would address the lack of understanding and knowledge about the law by informing the general public that children have the same protection from violence under the criminal law as everyone else. When the amendments were enacted this overt message was widely promoted and from 1987 corporal punishment as a way of bringing up children was considered unacceptable.

In fact, the 1987 amendment to the Parent and Child Act, although officially interpreted as confirming prohibition of all corporal punishment, did not explicitly refer to corporal punishment but stated:

*The child shall not be exposed to physical violence or to treatment which can threaten his physical or mental health.*

In 2005, a ruling by the Supreme Court upheld the conviction of a man under the Criminal Code for smacking his stepsons on their bare bottoms with his hand – but the Court also stated that lighter smacks would be permitted. Following a review of the law, further amendments to legislation were passed in April 2010 intended to confirm prohibition of all corporal punishment. Article 30(3) of the Act, as amended in 1987 and again in 2010, now states:

*The child must not be exposed to violence or otherwise be treated so that its physical or mental health is endangered. This includes violence used in raising the child. The use of violence and frightening, harassing or otherwise inconsiderate behaviour towards the child is forbidden.*

# The work of the Global Initiative



Global Initiative to  
End All Corporal Punishment  
of Children

The Global Initiative carries out a wide range of activities specifically designed to promote law reform to prohibit corporal punishment of children in all settings and to support others in doing so. These include briefing and reviewing the work of human rights monitoring bodies, carrying out legal research and collecting and analysing other research and information on positive, non-violent discipline, working directly with governments considering law reform and working with UN agencies, human rights institutions and international and national non-government organisations campaigning to promote reform. Some aspects of this work are described further here:

#### (i) Briefing and reviewing the work of human rights monitoring bodies

- Briefing treaty monitoring bodies on states coming up for examination – briefings on all states being examined are submitted to the Committee on the Rights of the Child, the Committee Against Torture, the Committee on the Elimination of Discrimination against Women, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of Persons with Disabilities and the Universal Periodic Review, as well as to regional human rights monitoring bodies. We are keen to support national organisations in submitting briefings: deadlines are announced in our e-newsletter (see below) and we can provide all necessary advice and support.
- Monitoring recommendations made by treaty bodies – we review the concluding observations of the treaty bodies as soon as they are issued, include relevant extracts on our website and in individual country reports, and provide summaries in the newsletter. We keep an ongoing analysis of these recommendations for use in advocacy for law reform.
- Promoting follow-up to recommendations – writing to governments/ministers.

#### (ii) Conducting legal research and reviewing other research and positive discipline materials

- Producing individual country reports – reports for all states include information on the legality of corporal punishment in each setting and the law reform that is necessary to achieve prohibition, summaries of prevalence research and relevant recommendations made by human rights treaty bodies and during the Universal Periodic Review.
- Producing legal action reports – reports on countries which appear to be making no progress with a view to supporting legal advocacy, such as constitutional challenges to corporal punishment or the use of complaints/communications mechanisms.
- Preparing and disseminating global and regional summaries of progress towards prohibition, annual global reports and occasional regional reports.
- Identifying opportunities for law reform in all regions – information is maintained on opportunities for prohibiting corporal punishment, including laws being reviewed/ revised, bills under discussion and harmonisation of national laws with human rights standards.
- Preparing and disseminating summaries of research on the nature and prevalence of corporal punishment – on our website, in our newsletter and in our publications.
- Reviewing and disseminating information on positive, non-violent discipline in childrearing and education – on our website and in publications.

#### (iii) Working with governments and non-government organisations considering and/or campaigning for law reform

- Commenting on draft legislation and bills in individual states – formal and informal comments are provided as appropriate.
- Providing support and advice on campaigning for law reform – through publications and legal reform workshops.

Global Initiative information and publications are freely available at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org). For further details on any aspect of the work and for technical advice and support on all aspects of law reform please email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org). For a list of publications (all downloadable free of charge, some available in hard copy) and to subscribe to the global e-newsletter, email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org). To subscribe to our Africa e-newsletter, email [vohito@endcorporalpunishment.org](mailto:vohito@endcorporalpunishment.org).

# Active campaigns

There are active campaigns for the prohibition of corporal punishment in many states in all regions. This section provides an overview of some of the campaigns and their activities throughout 2011. Some campaigns are newly launched, others are long term campaigns which have been advocating prohibition for many years, often working with supporters in parliament to repeatedly introduce bills which would prohibit corporal punishment. Where states are particularly resistant to enacting law reform, it may be appropriate for campaigns to take legal action, nationally or internationally, to “force” governments to realise children’s right to protection from all corporal punishment (see pages 11-12).

## Campaigns for law reform

### Africa

The **Southern African Network to End Corporal and Humiliating Punishment of Children** ([www.rapcan.org.za/sanchpc](http://www.rapcan.org.za/sanchpc)), formed in 2006, aims to coordinate advocacy towards prohibiting all corporal punishment and promoting positive discipline in Southern Africa and includes members from **Botswana, Lesotho, Mauritius, Mozambique, South Africa and Swaziland**. The **Zambia Civic Education Association (ZCEA)** ([www.zamcivic.com.zm](http://www.zamcivic.com.zm)), also a member of the Network, has campaigned against all corporal punishment for some years, and worked actively for the prohibition of school corporal punishment which was achieved in 2011. In May 2011, ZCEA launched a new campaign on ending corporal punishment and a poster exhibition, “Corporal Punishment Free Zone”. In **Nigeria**, the Child Rights Network (contact [info\\_chirn@yahoo.com](mailto:info_chirn@yahoo.com)) facilitates an NGO coalition, National Action on Banning Corporal Punishment and Violence against Children, and has produced regular news bulletins on the campaign since 2009. The NGO Raising Voices ([www.raisingvoices.org](http://www.raisingvoices.org)) campaigns for prohibition of corporal punishment in **Uganda**.



“Children have a right to live free of violence!”  
campaign e-postcard, Uganda

### East Asia and Pacific

In **Australia**, End Physical Punishment of Children (EPOCH) has been advocating for law reform for some years. In November 2011, EPOCH Tasmania held its annual “Choose to Hug Not Hit” event with speeches in Tasmania’s Parliament House. The Australian Capital Territory (ACT) Human Rights Commission is campaigning for prohibition of parental physical punishment in ACT, with a discussion paper setting out a possible legislative model for prohibition. The Initiative for Ending Violence Against Children **Japan** ([www.kodomosukoyaka.net](http://www.kodomosukoyaka.net)) advocates for law reform to prohibit all corporal punishment of children, and in November 2011 hosted a forum on the Convention on the Rights of the Child, focussing on violence against children. In the **Philippines**, Save the Children campaigns against corporal punishment; in 2011, the Positive and Non-Violent Discipline of Children Bill, which would prohibit all corporal and other humiliating punishment, including in the home, is under discussion.

### Europe

The **Council of Europe** runs the ongoing “Raise your hand against smacking!” campaign ([www.coe.int/t/dg3/children/corporalpunishment](http://www.coe.int/t/dg3/children/corporalpunishment)) for abolition of corporal punishment in all settings, including the home, in the 47 Council of Europe member states. In **France**, Observatory of Common Violence in Upbringing (OVEO) ([www.oveo.org](http://www.oveo.org)) has advocated for prohibition of all corporal punishment since 2005. In November 2010, OVEO launched an “Initiative for the Prohibition of all Violence in Upbringing”, to support a private members’ bill which would prohibit corporal punishment in all settings. In October 2011, members of the National Assembly of **Wales** (UK) voted to urge the Welsh Government to prohibit all corporal punishment in Wales; as yet there is no timetable for prohibition. The UK Children Are Unbeatable! Alliance, which has campaigned for equal protection from assault for children since 1998, is the largest coalition ever assembled on a children’s issue in the UK, supported by over 600 organisations ([www.childrenareunbeatable.org.uk](http://www.childrenareunbeatable.org.uk)).

### Latin America and the Caribbean

In **Belize**, the National Organisation for the Prevention of Child Abuse and Neglect Belize ([nopcanbelize@yahoo.com](mailto:nopcanbelize@yahoo.com)) has lobbied since the early 1990s against corporal punishment. Prohibition in schools was achieved in May 2011, when the Minister of Education signed a Statutory Instrument lifting the suspension on the sections of the Education Act 2010 which prohibit corporal punishment. In **Brazil**, Não Bata, Eduque ([www.naobataeduque.org.br](http://www.naobataeduque.org.br)), a network of over 200 organisations, has been advocating for prohibition of all corporal punishment since 2005. In 2011, the network is supporting the progress of Bill 7672/2010 which would prohibit all corporal punishment, including in the home, and which was examined by a Special Committee in October.

### North America

In **Canada**, the Repeal 43 Committee, a group of individual professionals supported by many professional organisations, lobbies for prohibition of all corporal punishment through repeal of section 43 of the Criminal Code, which provides a legal defence for the use of corporal punishment. The organisation has been working for repeal of the section since 1994, including through briefing human rights bodies, supporting bills which would repeal the section and a legal challenge. Since 1996, the US Centre for Effective Discipline (CED, [www.stophitting.com](http://www.stophitting.com)) has coordinated End Physical Punishment of Children (EPOCH-USA), which seeks to end corporal punishment of children in all settings including homes through education and legal reform. A Global Summit on Ending Corporal Punishment and Promoting Positive Discipline ([www.smu.edu/psychology/html/globalSummit.html](http://www.smu.edu/psychology/html/globalSummit.html)), attended by participants from more than 20 countries, held in Texas in June 2011, concluded with the adoption of a proclamation against the use of corporal punishment, including in homes and schools. CED is working with other organisations to plan a second Global Summit in 2013. Organisations including CED, The Hitting Stops Here ([www.thehittingstopshere.com](http://www.thehittingstopshere.com)) and Parents and Teachers Against Violence in Education ([www.nospank.net](http://www.nospank.net)) campaign for prohibition of school corporal punishment and are supporting the Ending Corporal Punishment in Schools Bill, which would prohibit school corporal punishment in all US states. The bill was originally introduced in 2010 and was reintroduced in September 2011. In July 2011, New Mexico became the 31st US state to prohibit corporal punishment in public schools.

### South Asia

The work of the **South Asia Initiative to End Violence Against Children** (SAIEVAC) ([www.saievac.info](http://www.saievac.info)) was described on page 6. At national level, organisations including Save the Children in **Sri Lanka** and the **Maldives** NGO Federation ([www.maldivesngofederation.org](http://www.maldivesngofederation.org)) advocate for an end to corporal punishment, including through law reform. In **India**, the National Commission for Protection of Child Rights ([www.ncpcr.gov.in](http://www.ncpcr.gov.in)) has campaigned for law reform to prohibit all corporal punishment for some years. In 2011, it examined 80 complaints on school corporal punishment (which in 2009 was prohibited for children aged 6-14), and is preparing guidelines for eliminating all forms of physical and emotional harassment in schools. In **Pakistan**, the Society for the Protection of the Rights of the Child (SPARC, [www.sparcpk.org](http://www.sparcpk.org)) advocates for prohibition of all corporal punishment; in 2011 SPARC shared Prohibition of Corporal Punishment Bills which it had drafted with four provincial governments, as well as advocating for prohibition by the federal government. SPARC is also carrying out awareness-raising work (see page 22). In May 2011, the National Juvenile Justice Network, in association with the Child Rights International Network (CRIN) ([www.crin.org](http://www.crin.org)) and Defence for Children International ([www.defenceforchildren.org](http://www.defenceforchildren.org)), launched a campaign against inhuman and degrading sentences for child offenders in Pakistan, where children may lawfully be sentenced to death, life imprisonment and corporal punishment.

## International campaigns

Plan International’s **Learn Without Fear** campaign ([www.plan-international.org/learnwithoutfear](http://www.plan-international.org/learnwithoutfear)) aims to end violence against children in schools, including through the prohibition of all school corporal punishment. The campaign places special focus on the 48 countries in Africa, Asia and Latin America in which Plan works.

The Child Rights International Network (CRIN) campaigns to **end inhuman sentencing of child offenders**, specifically to end the legality and practice of sentencing child offenders to corporal punishment, life imprisonment and the death penalty ([www.crin.org/violence/campaigns/sentencing](http://www.crin.org/violence/campaigns/sentencing)).

The **World Day of Prayer and Action for Children** ([www.dayofprayerandaction.org](http://www.dayofprayerandaction.org)), an initiative of Arigatou International, is a global movement to encourage secular and faith-based organisations to work together for the well-being of children, celebrated every 20 November. The current theme of the day is “Stop Violence Against Children”, with a particular focus on the abolition of corporal punishment (see page 23).

## Raising awareness

Raising awareness on children's right to protection from all corporal punishment, including through the promotion of positive discipline, is important, but without law reform will not be sufficient to end corporal punishment. Awareness-raising activities which are run alongside campaigns for law reform and which focus on children's rights as well as on promoting positive discipline are most likely to be effective in realising children's rights. Where prohibition has been achieved, ongoing awareness-raising about the law is important to ensure genuine protection of children in practice. This section gives examples of some awareness-raising activities from around the world.

- In **Costa Rica**, the Paniamor Foundation ([www.paniamor.org](http://www.paniamor.org)) was active in advocating for prohibition of all corporal punishment, achieved in 2008. The ongoing Violence Prevention Program aims to promote social recognition of physical punishment and other humiliating treatment as a violation of children's fundamental rights and a form of minority discrimination. Activities include the development and dissemination of public education materials and surveys on parenting to monitor implementation of the law, the first survey in 2010 with others planned for 2014 and 2019.
- In **Finland**, where all corporal punishment was prohibited in 1983, the National Action Plan to Reduce Corporal Punishment of Children 2010-2015, created by the Ministry of Social Affairs and Health, aims to continue and accelerate the progress made in eliminating corporal punishment. The opinions of 375 children and young people on how corporal punishment can be prevented were used in developing the plan, which includes increasing support for parents, providing education on children's rights to all professionals working with children and information for children on their rights at school and online.
- **Plan India** ([www.planindia.org](http://www.planindia.org)) is running an initiative to make government schools effective and fear-free, including through the launch of a "Positive Discipline Module" toolkit in June 2011. Corporal punishment of students aged 6-14 was prohibited in 2009.
- In **Pakistan**, the Society for the Protection of the Rights of the Child (SPARC) ([www.sparcpk.org](http://www.sparcpk.org)), holds consultations with journalists about the negative effects of corporal punishment: more than 100 articles on the topic were published in regional and national newspapers in 2011. SPARC has also carried out teacher training and used television commercials, posters, banners and wall-chalking to raise awareness about the negative effects of corporal punishment, to support its campaign for law reform (see page 21).
- In April 2011, the Child Rights Institute ([sudanchild@hotmail.com](mailto:sudanchild@hotmail.com)) in **Sudan** published a booklet about its "Alternatives to Corporal Punishment Program", which provides training for teachers in alternatives to corporal punishment. The Institute also advocates for law reform to prohibit corporal punishment in schools.

## Children and young people campaigning against corporal punishment

Children and young people are involved in campaigns against corporal punishment all over the world:

The first children's report to the Universal Periodic Review was submitted in November 2010 by children from **Lebanon**, supported by World Vision. The report calls for corporal punishment to be replaced by positive discipline methods.

In the **UK** in May 2011, a 13-year-old girl won the runner-up prize in a competition for young human rights writers with a piece entitled "Ban corporal punishment in the UK!"

In the **Philippines** in December 2010, a travelling exhibition of children's photographs which expressed their views about violence, created as part of the UNICEF "Children Against Violence" campaign, was used to call for prohibition of all corporal punishment. Children also made a film against corporal punishment which won a prize at the New York International Film Festival.

In the **Central African Republic** in February 2011, children walked out of school to protest outside the offices of a local radio station about the corporal punishment they regularly experienced at school, after hearing about their rights under the Convention on the Rights of the Child on the radio. The radio station covered the protest and a reporter visited the school and spoke to the director, who made promises that corporal punishment would not be used in future.

For more information on children and young people campaigning see the Global Initiative's website for children and adults working with them, [www.endcorporalpunishment.org/children](http://www.endcorporalpunishment.org/children).

# Working with faith groups

One of the most effective ways religious leaders and their communities can make the problem of corporal punishment of children visible is through the leadership of worship and religious events and gatherings. Respect for children can be conveyed through prayers, litanies and hymns. The incompatibility of religious values and teachings with corporal punishment and other humiliating treatment of children can be emphasised through readings and preaching. Through their diverse roles and functions, religious leaders can play a pivotal role in the prohibition and elimination of corporal punishment of children.

The World Day of Prayer and Action for Children (DPAC), which is celebrated on Universal Children's Day (20 November), provides an opportunity to bring together people of faith everywhere who are guided by their respective religious teachings and values, to express hope and determination through prayer and worship, that the world be made fit for children. It is also about making a commitment and taking action to improve children's lives. The new three-year theme for 2011-2013 is "Stop Violence Against Children". Further information can be found at <http://dayofprayerandaction.org>.

Marta Santos Pais, UN Special Representative of the Secretary General on Violence against Children and DPAC Council member stated in her message for the World Day of Prayer and Action for Children:

*Although of epidemic proportions, violence against children remains hidden and socially condoned, and often perceived as a social taboo or a needed form of discipline. It is seldom reported and often statistics hardly capture its magnitude and incidence. Violence is often perpetrated by people children know and trust and openly or implicitly, child victims feel pressed to conceal it. This is a pattern we must reverse urgently. The protection of children from violence needs to evolve from being a concern of a few into a priority for all.*



*"In the name of God we commit ourselves to our children, to helping them learn well, discover boundaries, and explore safely without fear of being hit or hurt by those they trust, so that we might reflect God's gentle love for them, for us and for all the world."*

(From Worship Resources for Universal Children's Day 2011, Churches Network for Non-violence)

*Ending Corporal Punishment of Children: A handbook for working with and within religious communities* is listed as one of the key resources for DPAC. The handbook – published by the Global Initiative, the Churches' Network for Non-Violence and Save the Children Sweden – aims to provide a useful tool and reference for all those engaging with and within religious communities and faith-based institutions and organisations to prohibit and eliminate corporal punishment of children.

The handbook is based on the premises that the major world religions value and respect the human dignity of every person including children and that compassion, justice, equality and non-violence are claimed by most people of faith to be central to their religion. At the same time it recognises that there are those in most of the world's religions who use their faith and sacred texts to justify corporal punishment of children, and most campaigns for legal reform encounter strong resistance from some religious communities and organisations. Challenges presented by religious opposition and resistance to reform are discussed. Suggestions are given on how to deal with these and there are many examples of action taken by religious communities towards ending corporal punishment.

The handbook can be downloaded at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org) and <http://resources.savethechildren.se>. For further information, see [www.churchesfornon-violence.org](http://www.churchesfornon-violence.org), email [info@churchesfornon-violence.org](mailto:info@churchesfornon-violence.org).

## New Resources

- Worship resources for Universal Children's Day are available from [info@churchesfornon-violence.org](mailto:info@churchesfornon-violence.org).
- "Meet the Blobs" is a new booklet for young children with activities based on the Golden Rule (a value shared almost universally by faith groups) and information about children's right to protection from all violence including smacking. It is available at [www.churchesfornon-violence.org/Meet-the-Blobs.pdf](http://www.churchesfornon-violence.org/Meet-the-Blobs.pdf)

# Legality of corporal punishment:

## state by state analysis (November 2011)

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).

### States with full prohibition in legislation

The following 31 states have prohibited corporal punishment in all settings, including the home:

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

### 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: **Italy** (1995); **Nepal** (2005).

States committed to full prohibition

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
<b>Estonia</b> <sup>18</sup>	✗	✓ <sup>19</sup>	✓	✓ <sup>20</sup>	✗
<b>India</b> <sup>21</sup>	✗	SOME <sup>22</sup>	SOME <sup>23</sup>	SOME <sup>24</sup>	SOME <sup>25</sup>
<b>Ireland</b> <sup>26</sup>	✗	✓	✓	✓	SOME <sup>27</sup>
<b>Lithuania</b> <sup>28</sup>	✗	✓ <sup>29</sup>	✓	✓ <sup>30</sup>	✗
<b>Maldives</b> <sup>31</sup>	✗ <sup>32</sup>	✗ <sup>33</sup>	✗ <sup>34</sup>	✗ <sup>35</sup>	✗ <sup>36</sup>
<b>Pakistan</b> <sup>37</sup>	✗	✗ <sup>38</sup>	SOME <sup>39</sup>	SOME <sup>40</sup>	✗ <sup>41</sup>
<b>Peru</b> <sup>42</sup>	✗	✓ <sup>43</sup>	✓	✗	✗
<b>Serbia</b> <sup>44</sup>	✗	✓	✓	✓	SOME <sup>45</sup>
<b>Slovakia</b> <sup>46</sup>	✗ <sup>47</sup>	✓	✓	✓	✓
<b>Slovenia</b> <sup>48</sup>	✗ <sup>49</sup>	✓	✓	✓ <sup>50</sup>	SOME <sup>51</sup>
<b>Sri Lanka</b> <sup>52</sup>	✗	✗ <sup>53</sup>	✓	SOME <sup>54</sup>	✗ <sup>55</sup>
<b>Taiwan</b> <sup>56</sup>	✗	✓	✓	✓	✗ <sup>57</sup>

## States committed to full prohibition

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
<b>Afghanistan</b> <sup>1</sup>	✗	✓	✗ <sup>2</sup>	✗	✗
<b>Bangladesh</b> <sup>3</sup>	✗	✓ <sup>4</sup>	✗	✗	✗
<b>Bhutan</b> <sup>5</sup>	✗ <sup>6</sup>	✗ <sup>7</sup>	✓	[✓] <sup>8</sup>	✗ <sup>9</sup>
<b>Brazil</b> <sup>10</sup>	✗ <sup>11</sup>	✗ <sup>12</sup>	✓	✗ <sup>13</sup>	✗ <sup>14</sup>
<b>Czech Republic</b> <sup>15</sup>	✗	✓ <sup>16</sup>	✓	✓ <sup>17</sup>	✗

- 1 Commitment to prohibition in all settings, including the home, made at July 2006 meeting of the South Asia Forum, following 2005 regional consultation of the UN Secretary General's Study on Violence against Children
- 2 Lawful under Islamic law
- 3 Commitment as for Afghanistan
- 4 Unlawful under 2011 Supreme Court ruling, not yet confirmed in legislation
- 5 Commitment as for Afghanistan
- 6 2011 Child Care and Protection Act prohibits only corporal punishment which reaches a certain degree of severity
- 7 Code of Conduct and ministerial directives state corporal punishment should not be used but no prohibition in law; see also note on home
- 8 Possibly prohibited in 2011 Child Care and Protection Act
- 9 See note on home
- 10 In July 2010, President Luiz Inacio Lula da Silva, before leaving office, submitted a bill to Congress which would prohibit in all settings
- 11 Draft legislation which would prohibit in all settings under discussion (2011)
- 12 See note on home
- 13 See note on home
- 14 See note on home
- 15 Government committed to prohibition; prohibition under discussion (2011)
- 16 But no explicit prohibition
- 17 But no explicit prohibition

- 18 Government committed to prohibition; legislation which would prohibit being drafted (2011)
- 19 But no explicit prohibition
- 20 But no explicit prohibition
- 21 Commitment to prohibition in all settings confirmed in third/fourth report to Committee on the Rights of the Child (2011)
- 22 Prohibited for children aged 6-14; not prohibited in Jammu and Kashmir
- 23 Prohibited in state laws but used in traditional justice systems
- 24 Prohibited in 2007 Juvenile Justice (Care and Protection of Children) Rules except in Jammu and Kashmir
- 25 Prohibited in care institutions in 2007 Juvenile Justice (Care and Protection of Children) Rules except in Jammu and Kashmir; lawful in non-institutional care
- 26 Government has stated long term commitment to prohibition but given no indication of timing
- 27 Prohibited in pre-school settings except for childminders caring for children older than 5 and for children of relatives, children of same family or up to three children from different families; prohibited in special care units; guidance advises against its use in foster care and residential care services but there is no prohibition in legislation
- 28 Government stated intention to prohibit during January 2006 examination by Committee on the Rights of the Child; proposed new legislation to prohibit rejected March 2010, new bill introduced December 2010
- 29 But no explicit prohibition
- 30 But no explicit prohibition
- 31 Commitment as for Afghanistan
- 32 Draft Penal Code would include justification for use of force by parents, teachers and others for prevention and punishment of misconduct
- 33 Ministry of Education advises against corporal punishment but no explicit prohibition in legislation; legislation which would prohibit under discussion (2011); see also note on home
- 34 Draft Penal Code would authorise judicial corporal punishment
- 35 See note on home
- 36 See note on home
- 37 Commitment as for Afghanistan
- 38 Legislation which would prohibit under discussion (2011)
- 39 Prohibited in 2000 Juvenile Justice System Ordinance but this not applicable in all areas
- 40 Prohibited in 2000 Juvenile Justice System Ordinance but this not applicable in all areas and other laws not amended/repealed
- 41 Legislation which would prohibit under discussion (2011)
- 42 Congress pledged all party support for prohibition (2007); legislation which would prohibit in all settings under discussion (2010)
- 43 But no explicit prohibition
- 44 Government committed to prohibition (2007)
- 45 Prohibited in day care which forms part of the education system, including nurseries, kindergartens, preschools, after school care, workshops and additional education activities
- 46 Government committed to prohibition (2005)
- 47 Law reform in 2009 prohibited only corporal punishment which reaches a certain degree of severity
- 48 Government stated intention to explicitly prohibit in the home during 2004 drafting of domestic violence law
- 49 Family Law Bill which would prohibit under discussion (2011)
- 50 But no explicit prohibition
- 51 Prohibited in educational day care centres and residential schools
- 52 Commitment as for Afghanistan
- 53 Ministerial circular states corporal punishment should not be used but no prohibition in law; legislation to prohibit being drafted (2011)
- 54 Prohibited in prisons, lawful in other penal institutions; legislation to prohibit being drafted (2011)
- 55 Legislation to prohibit in children's homes being drafted (2011)
- 56 Government committed to prohibition (2005)
- 57 But law prohibiting in schools possibly applies to day care centres and cram schools

## Legal reform in progress but no explicit commitment to full prohibition

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Canada	✗ <sup>58</sup>	✓ <sup>59</sup>	✓	✓	SOME <sup>60</sup>
Mongolia	✗ <sup>61</sup>	✓	✓	✗	✗ <sup>62</sup>
Nicaragua <sup>63</sup>	✗	✓	✓	✓	✗
Philippines <sup>64</sup>	✗	✓	✓	✓	SOME <sup>65</sup>

## Prohibition incomplete and no commitment to reform

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Albania	✗	✓	✓	✓ <sup>66</sup>	SOME <sup>67</sup>
Algeria	✗	✓	✓	✗	✗
Andorra	✗	✓ <sup>68</sup>	✓	✓ <sup>69</sup>	SOME <sup>70</sup>
Angola	✗ <sup>71</sup>	[✗]	✓	✗	[✗] <sup>72</sup>
Antigua & Barbuda	✗	✗	✗	✗	✗
Argentina	✗	✓ <sup>73</sup>	✓	✓	✗
Armenia	✗	✓	✓	✓ <sup>74</sup>	SOME <sup>75</sup>
Australia	✗ <sup>76</sup>	SOME <sup>77</sup>	✓	SOME <sup>78</sup>	SOME <sup>79</sup>
Azerbaijan	✗ <sup>80</sup>	✓	✓	✓ <sup>81</sup>	✗
Bahamas	✗	✗	[✗] <sup>82</sup>	[✓] <sup>83</sup>	SOME <sup>84</sup>

- 58 2004 Supreme Court ruling upheld parents' right to administer corporal punishment to children aged 2-12 but not using objects and not involving slaps or blows to the head; bills which would repeal the legal defence for corporal punishment have failed to be enacted but continue to be introduced in a sustained campaign for law reform
- 59 2004 Supreme Court ruling limited use of force by teachers to restraint and removal and excluded corporal punishment, but this not confirmed in legislation relating to private schools, or to any schools in Alberta and Manitoba
- 60 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 a child protection agency or other service provider licensed or approved by the province; in Quebec no right of correction under the Civil Code but right of correction in Federal Criminal Code applies
- 61 Draft amendments to Family Code would prohibit (2010)
- 62 Draft amendments to Family Code would prohibit in care institutions (2010)
- 63 Proposals to prohibit all corporal punishment in draft Family Code under discussion (2009)
- 64 Legislation which would prohibit under discussion (2011)
- 65 Prohibited in residential institutions and day care centres
- 66 But no explicit prohibition
- 67 Prohibited in mental health service provision
- 68 But no explicit prohibition
- 69 But no explicit prohibition
- 70 Prohibited in La Gavernera children's centre; lawful in other care settings
- 71 Corporal punishment of a certain severity would be unlawful under the 2010 Domestic Violence Act but no explicit prohibition of all corporal punishment
- 72 See note on home
- 73 But no explicit prohibition
- 74 But no explicit prohibition
- 75 Unlawful in care institutions under 1996 Rights of the Child Act, but possibly no explicit prohibition
- 76 In 2003, Law Reform Institute in Tasmania recommended abolition of reasonable correction defence from criminal and civil law but as at July 2011 law reform not achieved; 2002 law in New South Wales prohibits force to head or neck of child and to any part of the body where likely to cause harm lasting more than a short period
- 77 Prohibited in Australian Capital Territory, New South Wales, Tasmania and Victoria
- 78 Prohibited in all states and territories except Australian Capital Territory and Western Australia
- 79 Prohibited in all states and territories in child care centres except Northern Territory, Tasmania and Australian Capital Territory, in all day care in Victoria and New South Wales, and in residential centres and foster care except Northern Territory, Tasmania, Victoria, Western Australia and Australian Capital Territory
- 80 Draft legislation which would prohibit under discussion (2011)
- 81 But possibly no explicit prohibition
- 82 Judicial corporal punishment prohibited in 1984 but reintroduced in 1991; not prohibited in 2006 Child Protection Act
- 83 But as at May 2011, some legislation still to be repealed
- 84 Prohibited in residential institutions, lawful in other forms of care

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Bahrain	✗	✓	✓	✗	✗
Barbados	✗	✗	✗	✗	[SOME] <sup>85</sup>
Belarus	✗	✓ <sup>86</sup>	✓	✓ <sup>87</sup>	✗
Belgium	✗	✓ <sup>88</sup>	✓	✓	SOME <sup>89</sup>
Belize	✗	✓	✓	SOME <sup>90</sup>	SOME <sup>91</sup>
Benin	✗	✗ <sup>92</sup>	✓	[✓]	✗
Bolivia	✗ <sup>93</sup>	✓	SOME <sup>94</sup>	✗ <sup>95</sup>	✗ <sup>96</sup>
Bosnia & Herzegovina	SOME <sup>97</sup>	✓	✓	✓	✗
Botswana	✗	✗	✗	✗	✗
Brunei Darussalam	✗	[✗]	✗	✗	✗
Burkina Faso	✗	SOME <sup>98</sup>	✓	✓ <sup>99</sup>	SOME <sup>100</sup>
Burundi	✗	[✓]	✓	✗	✗
Cambodia	✗	✓	✓	✓	✗ <sup>101</sup>
Cameroon	✗	[✓]	✓	[✓]	✗
Cape Verde	✗	✓	✓	✓	SOME <sup>102</sup>
Central African Republic	✗	✗	✓	✗	✗
Chad	✗	✓	✓	✗	✗
Chile	✗	✗ <sup>103</sup>	✓	✓	✗
China	✗ <sup>104</sup>	✓	✓	✓	✗
Colombia	✗	✗ <sup>105</sup>	SOME <sup>106</sup>	✗ <sup>107</sup>	✗
Comoros	✗	✗	[✓] <sup>108</sup>	✗	✗
Congo, Republic of	✗	[✓]	✓	✗	✗
Cook Islands	✗	✓	✓	✗	✗
Côte d'Ivoire	✗	✗ <sup>109</sup>	✓	✓ <sup>110</sup>	✗

- 85 Prohibited in state-arranged foster care and pre-school settings, and in day care centres and children's residential centres run by Child Care Board, but lawful in private foster care
- 86 But possibly no explicit prohibition
- 87 But no explicit prohibition
- 88 But no explicit prohibition
- 89 Prohibited in institutions in some communities; not prohibited in non-institutional childcare
- 90 Prohibited in "Youth Hostel" detention centre but lawful in other penal institutions
- 91 Prohibited in residential care facilities and in day care centres
- 92 Government circular advises against corporal punishment in formal education but no prohibition in law
- 93 Legislation prohibits only corporal punishment which is considered harmful
- 94 Prohibited in state laws but lawful in indigenous and tribal justice systems
- 95 See note on home
- 96 See note on home
- 97 Prohibited in Republic of Srpska
- 98 Prohibited in pre-school education and in primary schools
- 99 But possibly no explicit prohibition
- 100 Prohibited in pre-school education settings but no explicit prohibition in other forms of care
- 101 Minimum standards state corporal punishment should not be used, but no prohibition in legislation
- 102 Prohibited in public and private institutions but not prohibited in non-institutional forms of care
- 103 Legislation prohibits only corporal punishment resulting in injury
- 104 But corporal punishment of girls prohibited in Shenzhen Special Economic Zone
- 105 Legislation prohibits only corporal punishment resulting in injury
- 106 Prohibited in laws of the Republic, lawful in indigenous communities
- 107 See note on schools
- 108 Possibly lawful under Shari'a law and in traditional justice systems
- 109 Ministerial circular states corporal punishment should not be used but no prohibition in law
- 110 But no explicit prohibition

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Cuba	✗	✗	✓	✓	✗
Djibouti	✗	[✓]	✓	✗	✗
Dominica	✗	✗	✗	✗	SOME <sup>111</sup>
Dominican Republic	✗	✓	✓	✓	✗
DPR Korea	✗	✗ <sup>112</sup>	[✓]	[✓]	✗
DR Congo	✗	✓	✓	✗	✗
Ecuador	✗	✓	SOME <sup>113</sup>	✓	✗
Egypt	✗	[✗] <sup>114</sup>	✓	[✓] <sup>115</sup>	✗
El Salvador	✗	✓	✓	✓	✗
Equatorial Guinea	✗	✗	[✓]	??	✗
Eritrea	✗	[✗] <sup>116</sup>	[✗]	[✗]	✗
Ethiopia	✗	✓	✓	✓	SOME <sup>117</sup>
Fiji	✗	✓ <sup>118</sup>	✓	✓	✗
France	✗ <sup>119</sup>	✓ <sup>120</sup>	✓	✓ <sup>121</sup>	✗ <sup>122</sup>
Gabon	✗	✓	✓	✓	✗
Gambia	✗	✗	✓	✗	✗
Georgia	✗	✓ <sup>123</sup>	✓	✓ <sup>124</sup>	[SOME] <sup>125</sup>
Ghana	✗	✗ <sup>126</sup>	✓	SOME <sup>127</sup>	✗
Grenada	✗	✗	✗	✗	SOME <sup>128</sup>
Guatemala	✗	✓ <sup>129</sup>	SOME <sup>130</sup>	✓	✗
Guinea	✗	✓	[✓]	??	✗
Guinea-Bissau	✗	[✓]	✓	[✓]	[✗]
Guyana	✗	✗	SOME <sup>131</sup>	SOME <sup>132</sup>	[SOME] <sup>133</sup>
Haiti	✗ <sup>134</sup>	✓	✓	✓	✓
Honduras	✗	✓	✓	✗	✗

111 Prohibited in early childhood education facilities  
 112 Policy states corporal punishment should not be used but no prohibition in law; possibly prohibited in 2005 Education Law  
 113 Prohibited in state law but permitted in indigenous communities  
 114 Ministerial directive states corporal punishment should not be used but no prohibition in law (information unconfirmed)  
 115 Possibly permitted in social welfare institutions  
 116 Policy states corporal punishment should not be used but possibly no prohibition in law  
 117 Prohibited in institutions by Constitution but "reasonable chastisement" defence available  
 118 Ruled unconstitutional in 2002 High Court ruling, but as at October 2011 legislation not amended  
 119 Bill No. 2971 to abolish all physical and psychological violence against children by persons with parental authority under discussion (2011)  
 120 But no explicit prohibition; see also note on home  
 121 But no explicit prohibition; see also note on home  
 122 See note on home  
 123 But no explicit prohibition  
 124 But no explicit prohibition  
 125 Possibly prohibited in institutional care establishments  
 126 Ministerial directive possibly advises against using corporal punishment but no prohibition in law  
 127 Prohibited in prisons; no explicit prohibition in borstal institutions and industrial institutions  
 128 Prohibited in child care homes by licensing requirements  
 129 But no explicit prohibition  
 130 Unlawful in state laws but permitted in traditional justice systems  
 131 Prohibited for under 17s, lawful for 17 year olds  
 132 See note on sentence  
 133 Possibly prohibited in some settings in Child Care and Services Development Act  
 134 Possibly prohibited by 2001 law but no unequivocal information

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Indonesia	✗	✗	SOME <sup>135</sup>	✗	✗ <sup>136</sup>
Iran	✗	✓	✗ <sup>137</sup>	[✓]	✗
Iraq	✗	✗	✓	SOME <sup>138</sup>	✗
Jamaica	✗	SOME <sup>139</sup>	✓ <sup>140</sup>	✓ <sup>141</sup>	[✓] <sup>142</sup>
Japan	✗ <sup>143</sup>	✓ <sup>144</sup>	✓	✗	✗
Jordan	✗	✓	✓	✓	[SOME] <sup>145</sup>
Kazakhstan	✗	SOME <sup>146</sup>	✓	✓	SOME <sup>147</sup>
Kiribati	✗	✓ <sup>148</sup>	✗ <sup>149</sup>	✗	✗
Kuwait	✗	[✓]	[✓]	[✓]	✗
Kyrgyzstan	✗	✓	✓	✓	SOME <sup>150</sup>
Lao PDR	✗	[✓]	✓	✓ <sup>151</sup>	✗
Lebanon	✗	✗ <sup>152</sup>	✓	[✓]	✗
Lesotho	✗	✗ <sup>153</sup>	✗ <sup>154</sup>	✗	✗
Liberia	✗	✗	✓	?? <sup>155</sup>	✗
Libyan Arab Jamahiriya	✗	✓	✗	✗	[✗]
Madagascar	✗	✓	✓	✗	✗
Malawi	✗	✓ <sup>156</sup>	✓	✓	SOME <sup>157</sup>
Malaysia	✗	✗	✗ <sup>158</sup>	✗ <sup>159</sup>	✗
Mali	✗ <sup>160</sup>	✓	✓	✓ <sup>161</sup>	✗
Malta	✗	✓ <sup>162</sup>	✓	[✓]	✗
Marshall Islands	✗	✓	✓	✓	✗

135 Prohibited in Criminal Code but permitted under Shari'a law in Aceh province and in regional regulations based on Islamic law in other areas  
 136 National Standards of Care for Child Welfare Institutions, adopted under Ministry of Social Affairs regulation 30/HUK/2011, state that corporal punishment should not be used but no prohibition in law  
 137 Amendments to Penal Code under discussion which would limit but not totally prohibit imposition of corporal punishment on child offenders (2011)  
 138 Prohibited in prisons and detention centres, possibly lawful in other penal institutions  
 139 Prohibited in schools for children up to age 6; prohibition in all schools under discussion (2011)  
 140 Ruled unconstitutional in 1998 but some legislation yet to be repealed (2011)  
 141 But some legislation still to be repealed (2011)  
 142 Prohibition in all daycare settings unconfirmed  
 143 But prohibited in Kawasaki City by local ordinance  
 144 Prohibited in 1947 School Education Law but 1981 Tokyo High Court judgment stated that some physical punishment may be lawful in some circumstances  
 145 Possibly prohibited in institutions  
 146 Prohibited in regular schools but not in military schools  
 147 Prohibited in children's villages, youth homes and other institutions, but no prohibition in foster care or kinship care  
 148 Statutory provisions allowing corporal punishment repealed but no explicit prohibition in law  
 149 Government committed to prohibition (2006)  
 150 Prohibited in residential institutions  
 151 But no explicit prohibition  
 152 Government committed to law reform (2006)  
 153 Possibly prohibited in 2010 Education Act  
 154 Possibly prohibited in 2011 Child Protection and Welfare Act  
 155 Prohibited in prisons but legality in other penal institutions unknown  
 156 But prohibition in private schools unconfirmed  
 157 Prohibited in state-run institutions and day care settings  
 158 Government committed to prohibition (2007)  
 159 See note on sentence  
 160 Draft Family Code would remove the right of correction but not explicitly prohibit corporal punishment (2009)  
 161 But no explicit prohibition  
 162 But no explicit prohibition



State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Mauritania	✗	✗ <sup>163</sup>	✗	✗	✗
Mauritius	✗	✓	✓	✗	✗
Mexico	✗ <sup>164</sup>	✗	✓	✗	✗
Micronesia	✗	[✓]	✓	✗	✗
Monaco	✗	✓ <sup>165</sup>	✓	✓ <sup>166</sup>	✗
Montenegro	✗	✓	✓	✓ <sup>167</sup>	✗
Morocco	✗	✗ <sup>168</sup>	✓	✓	✗
Mozambique	✗	✗ <sup>169</sup>	✓	✓	✗
Myanmar	✗	✗ <sup>170</sup>	✓ <sup>171</sup>	✗	✗
Namibia	✗	✓	✓ <sup>172</sup>	✓ <sup>173</sup>	SOME <sup>174</sup>
Nauru	✗	✗	[✓]	✗	✗
Niger	✗	✗	✓	✗	✗
Nigeria	✗	✗	SOME <sup>175</sup>	SOME <sup>176</sup>	✗
Niue	✗	✗	✓	??	[✗]
Oman	✗	✓	??	✗	✗
Palau	✗	✗	✓	✗	✗
Palestine	✗	SOME <sup>177</sup>	[✗] <sup>178</sup>	[✗] <sup>179</sup>	✗
Panama	✗ <sup>180</sup>	✗ <sup>181</sup>	✓	✓	✗ <sup>182</sup>
Papua New Guinea	✗	✗	✓	✗	SOME <sup>183</sup>
Paraguay	✗	✗ <sup>184</sup>	✓	✓	✗
Qatar	✗	✗ <sup>185</sup>	✗	✗	✗
Republic of Korea	✗	[SOME] <sup>186</sup>	✓	✓	✗

163 Ministerial Order states that corporal punishment should not be used, but no prohibition in legislation  
 164 But "right of correction" removed from the Civil Code of Federal Territory  
 165 But no explicit prohibition  
 166 But no explicit prohibition  
 167 But possibly no explicit prohibition  
 168 Ministerial direction advises against corporal punishment but no prohibition in law  
 169 Government directive advises against corporal punishment but no explicit prohibition in law  
 170 Government directive advises against corporal punishment but no prohibition in law  
 171 But some legislation not amended/repealed  
 172 Unlawful under 1991 Supreme Court ruling but as at March 2011 some legislation yet to be repealed  
 173 See note on sentence; Child Care and Protection Bill would prohibit (2011)  
 174 Unlawful in state institutions under 1991 Supreme Court ruling but some legislation yet to be repealed; Child Care and Protection Bill would prohibit (2011)  
 175 Prohibited as sentence in 2003 Child Rights Act but this not enacted in all states and other legislation not amended; lawful as a sentence in some areas under Shari'a law  
 176 Prohibited in 2003 Child Rights Act but this not enacted in all states  
 177 Prohibited in UNRWA schools and in East Jerusalem; in public schools, Ministerial direction advises against the use of corporal punishment, but no prohibition in law  
 178 Possibly unlawful in the West Bank  
 179 Possibly unlawful in East Jerusalem  
 180 Legislation prohibits only corporal punishment which results in injury  
 181 See note on home  
 182 See note on home  
 183 2009 Lukautim Pikinini (Child) Act prohibits corporal punishment of children "in the care of the Director" but this does not apply to private care arrangements and forms of care run by non-government bodies  
 184 Legislation protects dignity but does not explicitly prohibit corporal punishment  
 185 Ministerial Decree states that corporal punishment should not be used but no explicit prohibition in legislation  
 186 Law prohibits direct corporal punishment (involving physical contact) but indirect (no contact) corporal punishment such as painful positions and punitive physical exercise permitted

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Russian Federation	✗	✓ <sup>187</sup>	✓	✓ <sup>188</sup>	✗
Rwanda	✗ <sup>189</sup>	✗ <sup>190</sup>	✓	✗ <sup>191</sup>	✗ <sup>192</sup>
Samoa	✗	✓	✓	[✗]	✗
San Marino	✗ <sup>193</sup>	✓	✓	✓ <sup>194</sup>	✗ <sup>195</sup>
Sao Tome & Principe	✗	[✓]	[✓]	??	✗
Saudi Arabia	✗	✗ <sup>196</sup>	✗	✗	✗
Senegal	✗	SOME <sup>197</sup>	✓	✓ <sup>198</sup>	✗
Seychelles	✗	✗ <sup>199</sup>	✓	✗	✗
Sierra Leone	✗	✗	✓	✗	✗
Singapore	✗	✗	✗	✗	SOME <sup>200</sup>
Solomon Islands	✗	✗	✓	✓	✗
Somalia	✗	[SOME] <sup>201</sup>	SOME <sup>202</sup>	SOME <sup>203</sup>	[SOME] <sup>204</sup>
South Africa	✗ <sup>205</sup>	✓	✓	✓	✓
St Kitts & Nevis	✗	✗	✗	✗	✗
St Lucia	✗	✗	✓	✗	✗
St Vincent & Grenadines	✗	✗	✗	✗	✗
Sudan	✗	✗ <sup>206</sup>	[✓] <sup>207</sup>	✗	✗
Suriname	✗	[✓]	✓	✓	✗
Swaziland	✗	✗	✗	✗	✗
Switzerland	✗ <sup>208</sup>	✓ <sup>209</sup>	✓	✓	✓
Syrian Arab Republic	✗	✗ <sup>210</sup>	✓	✗	✗
Tajikistan	✗	✗	✓	✗	✗
TFYR Macedonia	✗	✓	✓	✓ <sup>211</sup>	✗

187 But possibly no explicit prohibition  
 188 But no explicit prohibition  
 189 Draft Child Protection Act would possibly prohibit (2010)  
 190 Draft Child Protection Act would prohibit (2010)  
 191 See note on schools  
 192 See note on schools  
 193 Government has stated intention to prohibit in all settings (2010)  
 194 But no explicit prohibition  
 195 See note on home  
 196 Ministerial circulars advise against corporal punishment but no prohibition in law  
 197 Prohibited for children aged 6-14  
 198 But no explicit prohibition  
 199 Policy states corporal punishment should not be used but no prohibition in law  
 200 Prohibited in child care centres  
 201 Possibly prohibited in Somaliland  
 202 Prohibited in Somaliland  
 203 Prohibited in Somaliland  
 204 Possibly prohibited in Somaliland  
 205 Efforts to prohibit corporal punishment by parents failed in 2007; national campaign continues to promote law reform  
 206 2010 Child Act prohibits cruel punishment but no explicit prohibition of all corporal punishment  
 207 Possibly lawful under Shari'a law  
 208 2003 Federal Court ruling stated repeated and habitual corporal punishment unacceptable but did not rule out the right of parents to use corporal punishment; draft legislation to prohibit rejected by Parliament in 2008  
 209 Prohibited by federal law pursuant to cantonal legislation; 1991 Federal Court ruled it permissible in certain circumstances but this considered impossible under current legislation  
 210 Ministry of Education advises against its use but no explicit prohibition in law  
 211 But no explicit prohibition

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Thailand	✗	✓	✓ <sup>212</sup>	✓ <sup>213</sup>	✗
Timor-Leste	✗	✗ <sup>214</sup>	✓	✓ <sup>215</sup>	✗ <sup>216</sup>
Tonga	✗	✓	✗ <sup>217</sup>	✗	✗
Trinidad and Tobago	✗	✗	✗ <sup>218</sup>	✗	✗ <sup>219</sup>
Turkey	✗	✓ <sup>220</sup>	✓	✓ <sup>221</sup>	✗
Turkmenistan	✗ <sup>222</sup>	[✓] <sup>223</sup>	✓	[✓] <sup>224</sup>	✗ <sup>225</sup>
Tuvalu	✗	✗	SOME <sup>226</sup>	✗	✗
Uganda	✗	✗ <sup>227</sup>	✓	✓	✗
UK	✗ <sup>228</sup>	✓	✓	✓	SOME <sup>229</sup>
United Arab Emirates	✗	✓ <sup>230</sup>	✗	✗	✗
UR Tanzania	✗	✗	SOME <sup>231</sup>	SOME <sup>232</sup>	SOME <sup>233</sup>
USA	✗	SOME <sup>234</sup>	✓	SOME <sup>235</sup>	SOME <sup>236</sup>
Uzbekistan	✗	✓	[✓]	✓	✗
Vanuatu	✗	✓	SOME <sup>237</sup>	✓ <sup>238</sup>	✗
Viet Nam	✗	✗	✓	✓	✗
Western Sahara	✗	[✗]	[✓]	[✓]	[✗]
Yemen	✗	✓	✗	✓	✗
Zambia	✗	✓	✓ <sup>239</sup>	✓ <sup>240</sup>	✗
Zimbabwe	✗	✗	✗	✗	✗

212 But some legislation not amended (2010)  
 213 See note on sentence  
 214 Government committed to prohibition (2005)  
 215 But no explicit prohibition  
 216 Policy advises against corporal punishment in child care centres, orphanages and boarding houses, but no prohibition in law  
 217 2010 Court of Appeal ruling stated whipping provisions in criminal law likely to be unconstitutional but did not categorically declare corporal punishment unconstitutional  
 218 Corporal Punishment (Offenders Not Over Sixteen) Act repealed in 2000 but as at January 2011 provision in Children Act authorising judicial whipping of children still in force  
 219 Policy advises against corporal punishment in health care and psychiatric institutions but no prohibition in law  
 220 But no explicit prohibition  
 221 But possibly no explicit prohibition  
 222 2002 Rights of the Child (Guarantees) Act prohibits corporal punishment considered to be harmful  
 223 See note on home  
 224 See note on home  
 225 See note on home  
 226 Unlawful under Penal Code and Code of Criminal Procedure, but Islands Courts may order corporal punishment  
 227 Ministerial circular advises against corporal punishment but no prohibition in law; draft legislation which would prohibit under discussion (2011)  
 228 Scotland: 2003 Criminal Justice (Scotland) Act restricts common law defence by introducing concept of "justifiable assault" of children and defining blows to the head, shaking and use of implements as unjustifiable; England and Wales: 2004 Children Act maintains "reasonable punishment" defence for cases of common assault; similar provision introduced in Northern Ireland by the 2006 Law Reform (Miscellaneous Provisions) (Northern Ireland) Order  
 Penal institutions: But no explicit prohibition in secure training centres  
 229 Prohibited in residential care institutions and foster care arranged by local authorities or voluntary organisations in England, Wales, Scotland and Northern Ireland; not prohibited in private foster care in England, Wales, Scotland or Northern Ireland; prohibited in day care and childminding in England, Wales and Scotland; in Northern Ireland, guidance advises against corporal punishment in day care and childminding but no prohibition in law  
 230 But no explicit prohibition in relation to private schools  
 231 Prohibited in Zanzibar, lawful in mainland Tanzania  
 232 Prohibited in approved schools and remand homes in Zanzibar, lawful in mainland Tanzania  
 233 Prohibited in residential institutions in Zanzibar, lawful in other forms of care; not prohibited in mainland Tanzania  
 234 Prohibited in public and private schools in Iowa and New Jersey, in public schools in a further 29 states and District of Columbia  
 235 Prohibited in 32 states  
 236 Prohibited in all alternative care settings in 31 states and in some settings in other states and the District of Columbia  
 237 Used in rural areas for punishment of young boys and girls found to have broken village or custom rules  
 238 But no explicit prohibition  
 239 Ruled unconstitutional by Supreme Court in 1999 but some legislation not amended  
 240 See note on sentence

# Global Initiative website: www.endcorporalpunishment.org

Detailed information on all aspects of prohibiting corporal punishment is available on the Global Initiative website:



**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 is also a regional newsletter for Africa (to subscribe email [vohito@endcorporalpunishment.org](mailto:vohito@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. Urgent action is needed in every region of the world to respect fully the rights of all children – the smallest and most fragile of people.

This sixth Global Report reviews progress towards prohibition of corporal punishment of children throughout the world, in the context of follow-up to the UN Secretary General's Study on Violence against Children, and puts particular emphasis on taking action in states which have yet to achieve law reform.



*Child in Zanzibar*

The Global Initiative 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**

**Global Initiative to End All Corporal Punishment of Children:**  
[www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)  
email: [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)

**WORKING WITH**



**Save the Children**

Save the Children is the leading independent organisation for children with programmes in 120 countries. Our 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.

For more information about this report, please contact Save the Children Sweden: [info@rb.se](mailto:info@rb.se)

<http://resourcecentre.savethechildren.se>

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