

Global Initiative to End All Corporal Punishment of Children

Ending legalised violence against children

GLOBAL PROGRESS TO DECEMBER 2015

More than half of UN member states have prohibited all corporal punishment or are committed to doing so



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

“To achieve the world free from fear and violence to which we all aspire, we must build societies in which violent punishment of children is not legally or socially tolerated.”

Paulo Sergio Pinheiro, The Independent Expert who led the UN Study on Violence against Children



Participants at an interfaith breakfast held in the Dominican Republic to support law reform to prohibit corporal punishment, Universal Children's Day, 20 November 2015

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

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 Association for Childhood Education International
 Association for the Prevention of Torture
 Better Care Network
 Caribbean College of Paediatricians
 Center for Effective Discipline, USA
 Child Helpline International
 Child Rights Coalition Asia
 Child Rights Connect, formerly NGO Group for the CRC
 Child Rights International Network (CRIN)
 Child Welfare League of Canada
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 Commission on Justice, Peace and Creation, National Council of Churches in India
 Consortium for Street Children
 Defence for Children International
 Disabled Peoples' International
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 International Pediatric Association
 International Society for the Prevention of Child Abuse and Neglect (ISPCAN)
 International Women's Rights Action Watch Asia Pacific
 National Society for the Prevention of Cruelty to Children, UK
 OMCT – World Organisation Against Torture
 Plan International
 Promundo Institute, Brazil
 Rehabilitation International

Right to Education Project
 Save the Children
 Sightsavers
 SOS Children's Villages International
 The African Child Policy Forum
 War Child Holland

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 The Hon Madam Justice Sandra Mason, former Member and Chair, Committee on the Rights of the Child; Justice of Appeal of the Supreme Court of Barbados
 Dr Benyam Dawit Mezmur, tenth Chair, Committee on the Rights of the Child; Chair, African Committee of Experts on the Rights and Welfare of the Child
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 Mrs Mary Robinson, former UN High Commissioner for Human Rights
 Kirsten Sandberg, ninth Chair, Committee on the Rights of the Child
 Mme Aissatou Sidikou, former Chair, African Committee of Experts on the Rights and Welfare of the Child
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Note on facts and figures

The Global Initiative bases its analyses on a total of 198 states, all states parties to the UN Convention on the Rights of the Child except Holy See, plus Taiwan, the US and Western Sahara. But note that the scales illustration on page 3 refers only to the 193 UN member states.

Child population figures are from UNICEF 2013 and, where no UNICEF figures are available, *World Population Prospects 2010* (0-19) (Western Sahara) and Dept of Household Registration, Ministry of Interior, 2013 (Taiwan).

Messages



Benyam Dawit Mezmur

Chair, Committee on the Rights of the Child;
Chair, African Committee of Experts on the Rights and Welfare of the Child

It is exciting to hear from the Global Initiative that we have reached a new tipping point: more than half of all UN member states have either prohibited all corporal punishment of children (48 states), or clearly committed to do so (another 52 states – making a total of 100). Now we have the additional context of full global commitment to new Sustainable Development Goals and targets – including the adopted target 16.2 to end “all forms of violence against children” by 2030: this has to include the prohibition and elimination of violent punishment of children, the most common and pervasive form of violence against them in the family – and in many states also in schools and other settings.

The Committee on the Rights of the Child has been consistently raising prohibition as a human rights obligation since it started to examine states’ reports back in 1993. And the African Committee of Experts on the Rights and Welfare of the Child is also addressing the issue in its engagement with state parties to the African Children’s Charter: hopefully this will lead to more progress across the continent, where seven states have achieved prohibition and another 14 have made a commitment to do so.



Marta Santos Pais

Special Representative of the UN Secretary General on Violence against Children

Nearly 10 years ago, the UN Secretary General’s Study on Violence against Children mapped out how far we have yet to travel to build a world free from violence against children. One of the central recommendations of the Study was to ensure that children enjoy full legal protection and to prohibit by law all forms of violence against children, including corporal punishment. It is heartening to see that, in the period since the Study’s submission to the General Assembly, there has been steadily growing progress.

As the 10th anniversary of the UN Secretary General’s Study approaches, we must all endeavour to ensure that this momentum continues to build. In this connection, it is important to recall that world leaders recently agreed a new sustainable development agenda, which commits all states to end all manifestations of violence against children, leaving no child behind. In doing so, states quite rightly affirmed that human progress and sustainable development cannot be achieved while violence against children persists. It is my hope that the start of the process of implementation of the development agenda will provide a renewed impetus that will bring us closer to an end to violence against children, everywhere and at all times!



Professor Paulo Sérgio Pinheiro

The Independent Expert who led the UN Secretary General’s Study on Violence against Children

These annual reports from the Global Initiative rightly note the incremental progress towards universal prohibition and elimination of corporal punishment. But the reports also confirm that corporal punishment remains the most common form of violence against children and that a small minority of states are still prepared shamelessly to defend the practice and its legality – in the Universal Periodic Review and other UN contexts. This is such a blatant denial of the very basis of human rights – human dignity. Denying children full respect for their dignity and physical integrity and equal protection under the law makes a mockery of the obligations implied by ratification of the Convention on the Rights of the Child. 2016 will mark the 10th anniversary of the presentation of the first comprehensive global study on violence against children to the UN General Assembly. There should be faster progress to celebrate.

Progress – and lack of – towards universal prohibition



The year 2015 has witnessed a milestone in progress towards universal prohibition of corporal punishment of children: now, more than half of UN member states have achieved prohibition in all settings or are committed to doing so. Since we published our global report for 2014, four states – Andorra, Benin, Ireland and Peru – have prohibited all corporal punishment, including in the home, bringing the total number of prohibiting states to 48. There are now 52 other states where Governments have made a commitment to prohibiting corporal punishment in all settings; in many, draft laws or bills are under discussion which would achieve prohibition.

States prohibiting corporal punishment in all settings

Albania; Andorra; Argentina; Austria; Benin; Bolivia; Brazil; Bulgaria; Cabo Verde; Congo, Republic of; Costa Rica; Croatia; Cyprus; Denmark; Estonia; Finland; Germany; Greece; Honduras; Hungary; Iceland; Ireland; Israel; Kenya; Latvia; Liechtenstein; Luxembourg; Malta; Netherlands; New Zealand; Nicaragua; Norway; Peru; Poland; Portugal; Republic of Moldova; Romania; San Marino; South Sudan; Spain; Sweden; TFYR Macedonia; Togo; Tunisia; Turkmenistan; Ukraine; Uruguay; Venezuela

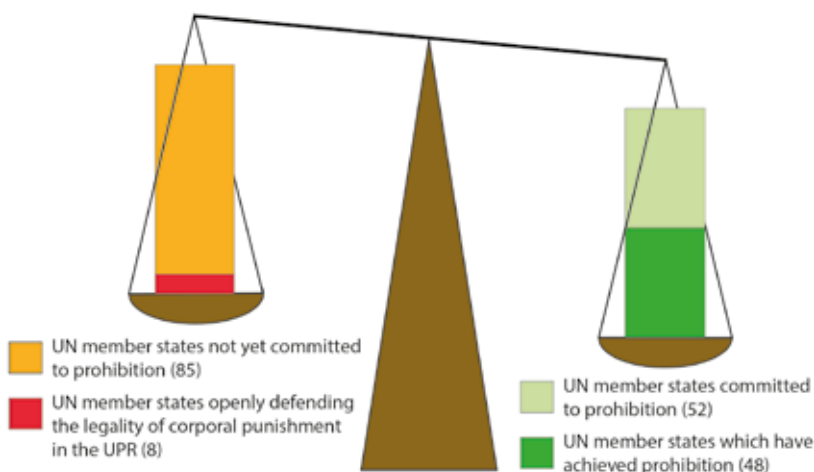
States committed to prohibition

Afghanistan; Algeria; Angola; Armenia; Azerbaijan; Bangladesh; Belize; Bhutan; Bosnia and Herzegovina; Burkina Faso; Chile; Comoros; Cuba; Dominican Republic; Ecuador; El Salvador; Fiji; Georgia; Guinea-Bissau; India; Kiribati; Kyrgyzstan; Lithuania; Marshall Islands; Mauritius; Mexico; Mongolia; Montenegro; Morocco; Nepal; Niger; Pakistan; Palau; Panama; Papua New Guinea; Paraguay; Philippines; Rwanda; Samoa; Sao Tome and Principe; Serbia; Slovakia; Slovenia; South Africa; Sri Lanka; Tajikistan; Thailand; Timor-Leste; Turkey; Uganda; Zambia; Zimbabwe

But despite these significant advances, progress is not smooth. In some states, laws have been enacted which reassert justifications and authorisations for corporal punishment of children. In others, draft laws or bills which include prohibition have been amended or dropped at the last minute and efforts must be redoubled to reinstate prohibiting provisions. Laws against family or gender-based violence continue to be enacted which ignore the most common form of violence against girls and boys – violent punishment by parents and carers.

There are still 150 states where children can be lawfully hit in the family home, 143 where violent punishment remains lawful in alternative care and in day care settings, 71 where it is not prohibited

in all schools and 62 lacking protection for children in penal institutions. In 36 states, children found to have committed an offence may be sentenced to corporal punishment under criminal, religious and/or traditional law; and in 21 states corporal punishment is not prohibited in any setting. Just 10% of the world's children live in states where the law recognises their right to protection from all violent punishment and to equal protection from assault.



The rough path of progress towards universal prohibition is illustrated by developments in 2015. Most encouragingly, states are discussing draft laws and bills which would achieve prohibition in all settings, including for example in Haiti, Lithuania, Montenegro and Mauritius.

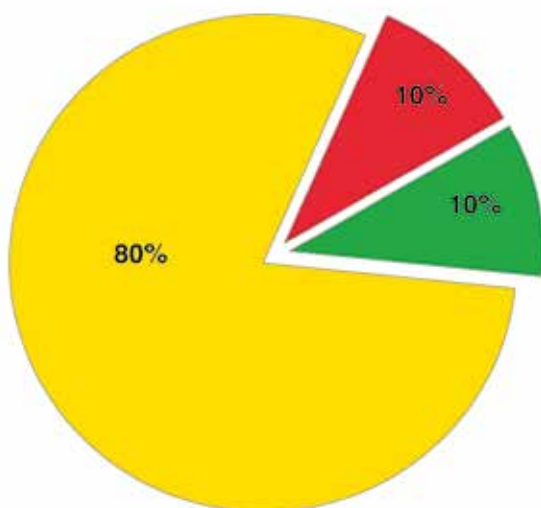
In other states, positive developments strengthen legal recognition of children’s rights but fall short of prohibiting corporal punishment in all settings, including Antigua and Barbuda (Child Justice Bill), Guyana (Juvenile Justice Bill), Malaysia (Children’s Bill), Seychelles (Education (Amendment) Bill) and Uganda (Children (Amendment) Bill). In Trinidad and Tobago, the Children Act 2012 came into force, prohibiting corporal punishment in all settings outside the home.

States where corporal punishment is not prohibited as a sentence for crime

Afghanistan; Antigua and Barbuda; Bahamas; Bangladesh; Barbados; Botswana; Brunei Darussalam; Colombia; Dominica; Ecuador; Eritrea; Grenada; Guyana; India; Indonesia; Iran; Kiribati; Libya; Malaysia; Maldives; Mauritania; Nigeria; Pakistan; Qatar; Saudi Arabia; Singapore; Somalia; St Vincent and the Grenadines; State of Palestine; Tonga; Tuvalu; United Arab Emirates; UR Tanzania; Vanuatu; Yemen; Zimbabwe

States where corporal punishment is not fully prohibited in any setting

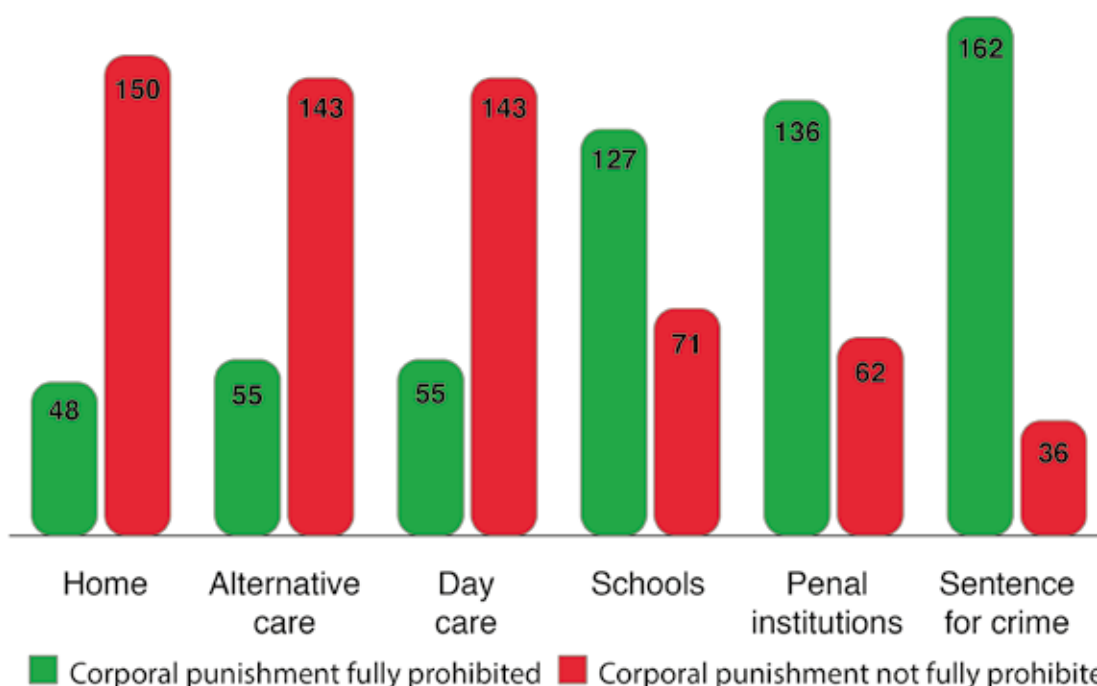
Antigua and Barbuda; Barbados; Botswana; Brunei Darussalam; Dominica; Eritrea; Grenada; Guyana; Malaysia; Maldives; Mauritania; Nigeria; Pakistan; Saudi Arabia; Singapore; Somalia; St Vincent and the Grenadines; State of Palestine; Tuvalu; UR Tanzania; Zimbabwe



■ Fully protected in the home and all other settings
 ■ Fully protected in some settings outside the home
 ■ Not fully protected in any setting

But there have also been negative developments. The Maldivian Penal Code 2014 came into force, authorising parents, teachers and others to use force to punish children and courts to sentence child offenders to lashing for certain offences under Islamic law; in Singapore the Court of Appeal ruled that judicial caning is not unconstitutional; the draft Federal Constitution in the Solomon Islands expressly provides for “reasonable chastisement”; the Zimbabwean Constitutional Court suspended a High Court ruling against judicial corporal punishment, thus allowing sentences of caning to continue to be imposed on children.

This rocky road towards reform makes it all the more important to build on the growing – and now majority – support for prohibition among UN member states.



Drafting prohibiting legislation – and using immediate opportunities to promote it

Enacting legislation to prohibit all corporal punishment of children in all settings is an immediate obligation under the Convention on the Rights of the Child and other international and regional human rights treaties. As at December 2015, 150 states had not fulfilled this obligation. In every one of those states, the settings where prohibition is still to be achieved have been identified – as described in the individual country reports prepared and maintained by the Global Initiative at www.endcorporalpunishment.org. It is vital that the next steps, i.e. the preparation of draft laws and bills which will achieve prohibition in each of these states, are taken as a matter of urgency, so that concrete proposals can be used to inform advocacy for prohibition.



Drafting laws which prohibit corporal punishment

Prohibition can be achieved by amending existing legislation or enacting new laws or a combination of both. The key questions that must be answered in drafting the prohibiting law(s) are: (1) will this new law, once enacted, send a clear message that all forms of corporal punishment are prohibited and that there are no exceptions to this rule, and (2) does this new law ensure there are no legal loopholes which could be used by those seeking to justify or defend some level of violent punishment of children? The answer should be YES to both questions!

Ensuring the law sends a clear message means, for example, avoiding so called “compromise” laws – where some but not all corporal punishment is prohibited, or where some but not all children are protected. It means avoiding prohibiting only corporal punishment considered to be harmful or injurious – because in spite of evidence to the contrary it is not uncommon for people to argue that some corporal punishment is not harmful or injurious (or is not abusive or not violent, etc). It means understanding that prohibition of “physical violence” or “all forms of violence” or “physical abuse” or “cruel punishment” etc will not be understood as including all corporal punishment: because of the deep-rooted and widespread acceptance of physical punishment of children, it is rarely perceived as violent or abusive unless it reaches some level of severity.

Leaving no legal loopholes means repealing all laws which authorise or regulate corporal punishment, for example in schools, care institutions and the criminal justice system, and explicitly repealing all provisions – whether in written law or only in common or case law – that constitute a defence to charges of assault or cruelty in cases of corporal punishment. The importance of the latter cannot be overstated. When laws provide for – and when courts have recognised – a “right to discipline”, a “right of correction”, a “right to administer reasonable punishment”, a right of “reasonable chastisement” and so on, they have done so specifically to ensure that violence against children imposed in the guise of “discipline” does not amount to criminal assault, even though it would be considered as such if the victim was an adult. This is hugely symbolic of children’s low status in society – and rectifying this by repealing legal defences is perhaps the most potent symbol of a state’s recognition of children as fully human and as holders of human rights.

Using immediate opportunities for law reform to achieve prohibition

The review, revision and drafting of laws relating to children, including laws on the family, education and juvenile justice, present opportunities to promote and enact prohibition of corporal punishment. The revision and enactment of criminal and civil codes are also key opportunities for prohibiting corporal punishment. As at December 2015, opportunities like these exist in at least 118 states: in 23, the draft laws/bills under discussion include or are reported to include prohibition of all corporal punishment; in 12, prohibition is being considered only in settings outside the home. Urgent action is needed to ensure that prohibition is drafted and promoted in the context of reforms in all states.

Ireland's repeal of the "reasonable chastisement" defence – leading the way

When Ireland achieved prohibition of corporal punishment in all settings in November 2015, it did so by explicitly repealing the common law defence of "reasonable chastisement". This defence had long existed in common law, and had been confirmed in the Children Act 1908, article 37 of which stated: "Nothing in this Part of this Act [on prevention of cruelty to children] shall be construed to take away or affect the right of any parents, teacher or other person having the lawful control or charge of a child or young person to administer punishment to such child or young person." The 1908 Act was replaced by the Children Act 2001, which did not include this right to administer punishment but did not explicitly repeal the defence of "reasonable chastisement", which remained in common law. The defence was finally removed by the Children First Act 2015, which inserted a new article 24A into the Offences Against the Person (Non-Fatal) Act 1997:

"The common law defence of reasonable chastisement is abolished...."

Speaking during the final stages of debate in the Seanad (upper house of the Irish Parliament), Senator Jillian van Turnhout, who tabled the original amendment, captured the historic symbolism of this reform:

"This ancient defence of reasonable chastisement is not an Irish invention. It came to us from English common law. Through its colonial past, England has been responsible for rooting this legal defence in over 70 countries and territories throughout the world. In England, Wales and Northern Ireland, the reasonable punishment defence still allows parents and some other carers to justify common assault on children. In Scotland, there is another variation, namely the defence of justifiable assault. In this action being taken today, the [Irish] Government is putting children first and providing leadership, which will hopefully give confidence to the Government at Westminster, the devolved UK administrations and other countries across the globe to discard these archaic and disreputable defences and give full respect to the dignity of children...."

Urgent action is needed to abolish "reasonable chastisement" and similar defences derived from English law and enshrined in written legislation and/or common law in the following countries:

Afghanistan	Cameroon	Hong Kong	Myanmar	South Africa	Turks and Caicos Islands
Anguilla	Canada	India	Namibia	Sri Lanka	Tuvalu
Antigua and Barbuda	Cayman Islands	Iraq	Nauru	St Helena, Ascension and Tristan da Cunha	Uganda
Australia	Cook Islands	Isle of Man	Nigeria	UK	United Arab Emirates
Bahamas	Dominica	Jamaica	Niue	St Kitts and Nevis	UR Tanzania
Bahrain	Egypt	Jersey	Pakistan	St Lucia	USA
Bangladesh	Falkland Islands	Jordan	Papua New Guinea	St Vincent and the Grenadines	Vanuatu
Barbados	Fiji	Kiribati	Qatar	Sudan	Yemen
Belize	Gambia	Kuwait	Samoa	Swaziland	Zambia
Bermuda	Ghana	Lesotho	Seychelles	Tokelau	Zimbabwe
Botswana	Gibraltar	Malawi	Sierra Leone	Tonga	
British Virgin Islands	Grenada	Malaysia	Singapore	Trinidad and Tobago	
Brunei Darussalam	Guernsey	Maldives	Solomon Islands		
	Guyana	Mauritius			
		Montserrat			

Human rights – the rationale and foundation for prohibiting and eliminating corporal punishment

In 2015, Somalia became the 196th state party to the UN Convention on the Rights of the Child, leaving the US as the only state in the world not to have ratified the Convention. This most widely ratified treaty, now in its 26th year, imposes clear obligations on states to prohibit by law all corporal punishment of children, including in their family homes, and to ensure it is eliminated in practice. In monitoring implementation of the Convention by states parties, the Committee systematically reviews progress towards prohibiting corporal punishment and has to date made almost 400 observations/recommendations on the issue to around 190 states.

Other international treaty bodies recommend prohibition and elimination of corporal punishment to states under their respective treaties, including the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee Against Torture and the Committee on the Elimination of Discrimination Against Women.

The issue is also pursued at the regional level, through the jurisprudence of the European Committee of Social Rights, the European Court of Human Rights, the African Committee of Experts on the Rights and Welfare of the Child, the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights.

For full details and analyses of all aspects of the human rights imperative to prohibit corporal punishment of children, see the Global Initiative website www.endcorporalpunishment.org.

Increasing human rights pressure in 2015

Pressure on states from international and regional human rights bodies to prohibit corporal punishment of children has increased through 2015:

- *Mounting pressure from UN treaty bodies* – over 30 states received recommendations to prohibit corporal punishment, including 24 states receiving recommendations from the Committee on the Rights of the Child.
- *States held accountable for their progress (and lack of progress) by regional human rights bodies* – the African Committee of Experts on the Rights and Welfare of the Child systematically raised the issue in states being examined during the year; the European Committee of Social Rights, in issuing its decisions on a series of collective complaints brought by the Association for the Protection of Children (APPROACH) Ltd, found that France, Ireland, Slovenia, Belgium and the Czech Republic were in breach of article 17(1) of the Revised European Social Charter because corporal punishment of children is not prohibited (Ireland went on to achieve prohibition, see page 6).
- *Prohibition of corporal punishment reviewed in the UPR* – the issue was raised with 41 of the 42 states reviewed in 2015; of the 26 states which received recommendations to prohibit corporal punishment, 12 accepted these recommendations, 5 rejected them, 3 noted the recommendations, 1 gave an unclear response, and 5 have yet to respond.
- *Obligation to prohibit reiterated in revised standards* – the revised Standard Minimum Rules for the Treatment of Prisoners (the “Nelson Mandela Rules”) adopted by the UN confirm that corporal punishment must not be used as a disciplinary measure; the revised CPT standards for places where persons are deprived of their liberty, adopted by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, confirm that corporal punishment “must be strictly prohibited”.

Ending violent punishment – critical to sustainable development



The Sustainable Development Goals

This year saw the historic adoption of the 2030 Agenda for Sustainable Development. On 25-27 September 2015, world leaders adopted 17 Sustainable Development Goals and 169 targets falling under them and committed to working for their full implementation by 2030. In target 16.2 of the agenda, states have committed to work to “End abuse, exploitation, trafficking and all forms of violence against and torture of children.”

Implementation of the agenda will be monitored through global indicators for each target, which are expected to be adopted in March 2016. An indicator on the prevalence of violent punishment of children has been proposed and is supported by UNICEF and many major INGOs: “Percentage of children aged 0-17 years who experienced any physical punishment by caregivers in the past month.” Fulfilment of this indicator, which monitors the prevalence of the most common form of violence against children, is crucial not only for target 16.2 but also for other SDG targets including those on ending violence against women and girls, eliminating discrimination, reducing health risks and providing safe and inclusive education for all.

For more information, see the Global Initiative’s briefing “*Ending violent punishment of children – a foundation of a world free from fear and violence*”, available at www.endcorporalpunishment.org.

Promoting prohibition and elimination of violent punishment of children in the development aid context

Countries that have achieved prohibition of all corporal punishment are well placed to lead by example and support universal prohibition in various ways. The Global Initiative believes that the negotiation and granting of development aid – in particular for school and health systems – is one context in which prohibition and elimination of corporal punishment should be legitimately and urgently pursued.

Promoting prohibition of all corporal punishment is a logical pursuit for donor states which have achieved a full ban, in order to address the incompatibility with a rights-based approach of financially supporting, for example, school systems in which children are still subjected to lawful corporal punishment, or supporting health systems in countries in which corporal punishment in the family and other settings has not been challenged.

“To achieve the world free from fear and violence to which we all aspire, we must build societies in which violent punishment of children is not legally or socially tolerated. The acceptance by states of SDG target 16.2 on ending all forms of violence against children is a breakthrough; fulfilling it is fundamental to the achievement of other SDG targets on health, education, violence against women and equality. Now it is essential to adopt indicators that specifically cover prohibition and elimination of violent punishment, acknowledged to be the most common form of violence against children.”

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

Experience of corporal punishment in childhood has been linked to a range of negative health, developmental and behavioural outcomes in children, many persisting into adulthood. The legality and social acceptance of violent punishment in many states not only clearly violates children's dignity and physical integrity and their right to equal protection under the law, it also violates their education and health rights. In addition, while the effects of violence in families and society are felt by all, violence has been seen to disproportionately affect the development of low- and middle-income countries. In poorer countries, the economic and social impact of violence can be severe in terms of slowing economic growth, undermining personal and collective security, and impeding social development. Development agencies therefore have an additional major stake in preventing violence – including this most common form of violence against children – so as to ensure their investments are not undermined by the economic and social costs of violence.

During 2016, the Global Initiative will prepare information for the states which have achieved prohibition and are significantly engaged in development aid, identifying which of their partner countries have still to achieve prohibition. We aim to prepare a briefing and other materials to encourage discussion and action on the issue in the international development aid context. We would welcome comments and ideas: email triona@endcorporalpunishment.org.

Resources

The Global Initiative launched its new website in 2015 – www.endcorporalpunishment.org.

Based on our experience of working with government and non-government actors in the promotion and achievement of law reform, the site aims to be a key resource for all advocates for prohibition of corporal punishment. It includes the following sections:

Prohibiting corporal punishment – read FAQs about prohibiting corporal punishment, learn about relevant human rights law (the human rights treaties and the UPR) and national high-level court rulings, understand what it means to draft laws which achieve prohibition, and see what current opportunities for law reform there are in every state

Global progress – see the latest facts and figures on progress towards universal prohibition, global and regional tables of legality in all settings, reports on legislation relating to corporal punishment in every state and territory, and information on states which have achieved prohibition

News – keep up with the latest developments worldwide

Implementing prohibition – learn about how prohibiting legislation is implemented, and find links to resources on positive discipline

Research – read about research on prevalence of and attitudes towards corporal punishment, its negative effects, and the positive impact of prohibition

About us – read about the Global Initiative and what we do, and subscribe to our newsletters

Supporters – sign up to support prohibition and see who other supporters are

Resources – download reports, briefings and other resources for free

The Global Initiative is now on social media:



Facebook /Glendcorporalpunishment



Twitter @Glendcorpun



Growing faith-based support for prohibition

Religious leaders and members of faith-based communities and organisations are increasingly working in solidarity with others, taking action towards prohibition and elimination of all corporal punishment of children and speaking out as powerful advocates for children.

In May 2015 UNICEF held a Pacific Islands Countries conference in Nadi, Fiji, which called for violence against children to be brought out of the shadows. Reporting on the conference in the Fiji Times, President Ratu Epeli Nailatikau referred to the Old Testament Book of Proverbs, 13:24 – *“Whoever spares the rod hates their children, but the one who loves their children is careful to discipline them”* – often used to justify corporal punishment, and called for a transformation in the Christian perspective on violence against children. He contrasted the quote from Proverbs with the New Testament passage Mark 10:13-16, explaining that here Jesus affirms that the Kingdom is child-centred and “offers the possibility for a paradigm shift in the understanding of loving our children”. The President stated:

“The children of the Pacific cannot wait to be free of violence, wherever they are. We may have limited resources and competing concerns – but if we are to protect our beautiful children, then this must be a priority.”

During October 2015 the Global Initiative partnered with Save the Children at the Parliament of the World’s Religions in Salt Lake City, Utah, attended by people from 80 nations and 50 faiths. An interactive exhibition and workshop were held on “Ending legalised violence against children”, connecting with the Parliament theme of “Reclaiming the Heart of Our Humanity – Working together for a world of compassion, peace, justice and sustainability”.

On 19 November the Global Network of Religions for Children (GNRC) and the NGO Coalition for Children in the Dominican Republic marked the 26th anniversary of the UN Convention on the Rights of the Child and the World Day of Prayer and Action for Children with an interfaith breakfast in Santa Domingo (Dominican Republic). The aim was to engage religious and spiritual leaders to support prohibition of corporal punishment of children in all settings. The event concluded with the signing of a declaration in which religious and spiritual leaders stated:

“... the adoption of legislation explicitly prohibiting corporal punishment of children in all settings, including the family, is necessary and urgent and a crucial step towards a compassionate and non-violent society.... We reject all forms of violence against children and adolescents, including corporal punishment, and commit to taking the lead in working with other sectors of society, communities, religious networks, NGOs, government agencies and the Congress to ban corporal punishment of children in all settings.”

“Today more than ever before we need to stand up against violence in our society and teach our children a better way of life. Legislation to remove the defence of ‘reasonable punishment’ is crucial because it reflects the compassionate, non-violent society we want for all children. Physical punishment has for too long been a common part of our culture.... While the law sends the message that it is defensible to hit a child, children will continue to be hit.... So just as it is unacceptable to hit another adult so it should be unacceptable to smack a child – more so, in fact, because a child is more vulnerable.”

Dr Barry Morgan (pictured), Archbishop of Wales (UK), supporting the call from the Children’s Commissioner of Wales to outlaw smacking of children, November 2015



For further information on all aspects of faith-based advocacy for prohibition of corporal punishment, see the website of the Churches’ Network for Non-violence, www.churchesfornon-violence.org.

Mounting research on corporal punishment



The most common form of violence against children

UNICEF data published in 2014, found violent “discipline” to be the most common form of violence against children, experienced by children in all regions. On average, six in ten (almost a billion) 2-14 year olds had been physically punished at home in the past month.¹

In countries with high prevalence of physical punishment, however, research consistently finds that, in contrast to its actual prevalence, significantly fewer caregivers say they support physical punishment in childrearing. Recent research from Viet Nam, for example, found 43% of 1-14 year olds had been physically punished in the past month, but only 15% of mothers or caregivers said they believe physical punishment necessary in order to raise a child.² But researchers are increasingly recognising that prohibition in law is necessary to achieve the attitudinal and behavioural change required to eliminate corporal punishment.

Researchers call for legal prohibition of corporal punishment to promote and support its elimination

A review of the evidence on physical punishment of children, commissioned by a number of children’s charities and the Children and Young People’s Commissioner in Scotland and published in November 2015, found evidence in many countries that public attitudes have shifted, with physical punishment becoming less acceptable and a majority of parents expressing negative feelings about its use. It also identified accumulating research associating corporal punishment with detrimental child health and developmental outcomes, including increased aggression and antisocial behaviour, as well as poor health and well-being in later life. The report recommended that all physical punishment of children be prohibited by law: “Children should be afforded more, not less, protection from violence than adults.”³

Also in 2015, UNICEF and Young Lives published longitudinal evidence of corporal punishment in schools in Ethiopia, India, Peru and Viet Nam. Over half of 8-year-old children in Peru and Viet Nam, three quarters in Ethiopia and more than nine in ten in India had witnessed a teacher administering corporal punishment in the last week. Younger children were at greater risk than adolescents – the rate of corporal punishment at age 8 was more than double that reported by 15-year-olds in all four countries. Boys from disadvantaged backgrounds were significantly more likely to be physically punished at age 8, and violence at school was the main reason given for children disliking school, ranging from over a quarter of children in India to over a half in Viet Nam. The report identified prohibiting legislation as “an important first step in eradicating the use of corporal punishment”.⁴

A team of researchers from the University of Florida is calling for an immediate end to “padding” of students in all state public schools, citing its new study of classroom disciplinary trends that depicts corporal punishment as violent and outdated and a source of increased dropout rates and lawsuits. Corporal punishment was found to have no positive long-term effect on students, but can lower their self-esteem and instil hostility and rage without curbing the undesired behaviour.⁵

Call for information: moving from prohibition to elimination of corporal punishment

The Global Initiative is conducting research in all states that have achieved prohibition of all corporal punishment, to identify how the ban has been implemented, and its impact. The purpose of the research is to support states that have achieved prohibition in moving towards elimination. We would welcome any information or contacts that you may be able to provide – please email triona@endcorporalpunishment.org.

1 UNICEF (2014), *Hidden in Plain Sight: A statistical analysis of violence against children*, NY: UNICEF

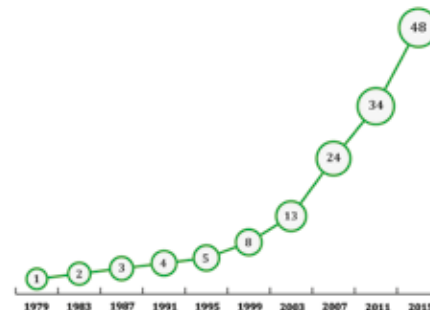
2 General Statistics Office & UNICEF (2015), *Monitoring the situation of children and women: Viet Nam Multiple Indicator Cluster Survey 2014. Final Report*, Ha Noi, Viet Nam: General Statistics Office

3 Heilmann, A., Kelly, Y. & Watt, R. G. (2015), *Equally Protected? A review of the evidence on the physical punishment of children*, NSPCC Scotland, Children 1st, Barnardo’s Scotland & the Children and Young People’s Commissioner Scotland

4 Ogando Portela, M. J. & K. Pells (2015), *Corporal Punishment in Schools: Longitudinal Evidence from Ethiopia, India, Peru and Viet Nam*, Innocenti Discussion Paper No. 2015-02, Florence: UNICEF Office of Research

5 Gagnon, J. C., Kennedy-Lewis, B. L. & Gurel, S. (2014), *Corporal Punishment in Florida Schools: Trends in Reactive, Punitive, and Ineffective Approaches to Youth Behavior*, Florida: Southern Poverty Law Center

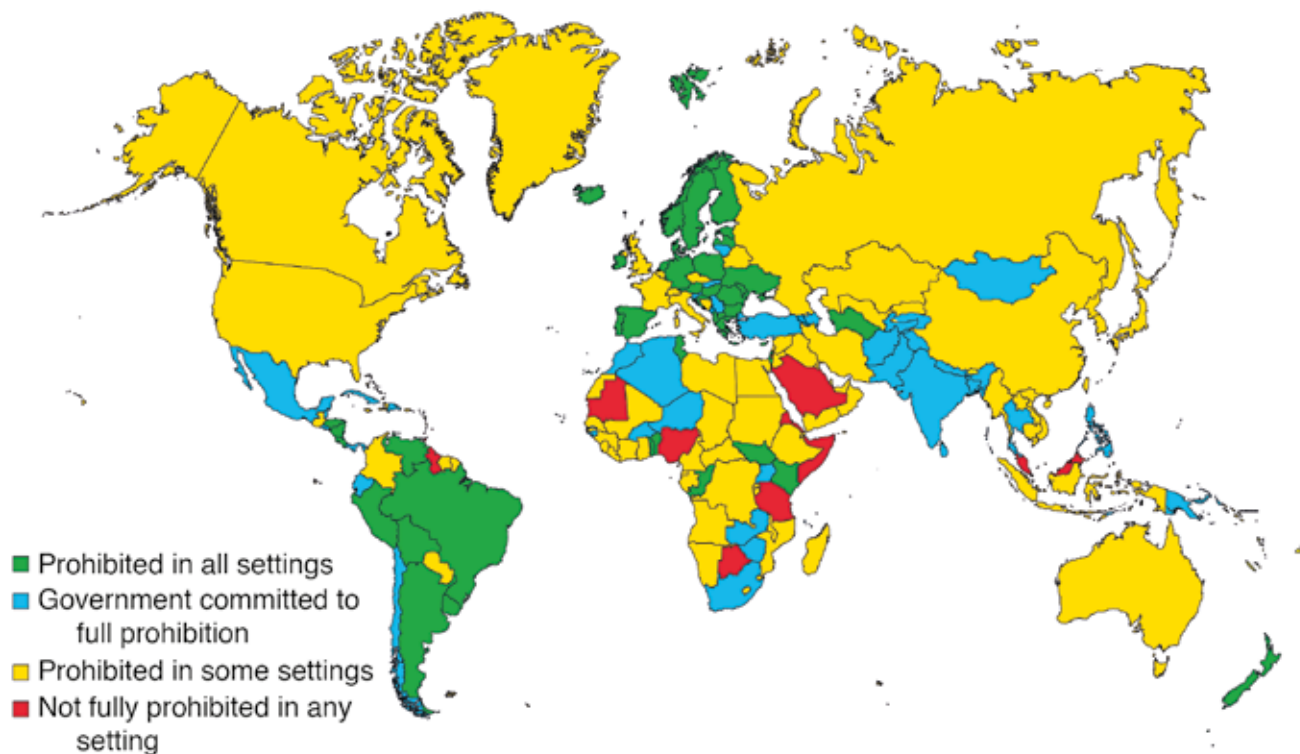
States which have achieved prohibition



Prohibition of corporal punishment has historically been piecemeal, being achieved in the penal system first, gradually extended to other settings and, finally, the home. This in part reflects how societies have inched towards appreciating children as holders of human rights, but from children’s perspective there is no justification. The table lists for each state the law that eventually extended prohibition to the home (in some, further law reform has since reiterated prohibition). We hope future prohibiting legislation will comprehensively address all the settings of children’s lives.

Albania	Law on the Protection of the Rights of the Child 2010	Latvia	Children’s Rights Protection Law 1998
Andorra	2014 amendments to Criminal Code 2005	Liechtenstein	Children and Youth Act 2008
Argentina	Civil and Commercial Code 2014	Luxembourg	Law on Children and the Family 2008
Austria	General Civil Code as amended 1989	Malta	2014 amendment to Criminal Code
Benin	Children’s Code 2015	Netherlands	2007 amendment to Civil Code
Bolivia	Children and Adolescents Code 2014	New Zealand	Crimes (Substituted Section 59) Amendment Act 2007
Brazil	2014 amendments to Children and Adolescents Code 1990	Nicaragua	Family Code 2014
Bulgaria	Child Protection Act 2000 (amended 2003) and Regulations on the Implementation of the Child Protection Act 2003	Norway	1987 amendment to Parent and Child Act 1981
Cabo Verde	Law on Children and Adolescents 2013	Peru	Law prohibiting the use of physical and other humiliating punishment against children and adolescents 2015
Congo, Rep.	Law on the Protection of the Child 2010	Poland	2010 amendments to Family Code
Costa Rica	2008 amendments to Code on Children and Adolescents and Family Code	Portugal	2007 amendment to Penal Code
Croatia	Family Act 1998, replaced by Family Act 2003	Rep. Moldova	2008 amendments to Family Code
Cyprus	Violence in the Family (Prevention and Protection of Victims) Law 1994	Romania	Law on Protection and Promotion of the Rights of the Child 2004
Denmark	1997 amendment to Parental Custody and Care Act 1995	San Marino	2014 amendments to Penal Code and Law of 1986 No. 49 on Family Law Reform
Estonia	Child Welfare Act 2014	South Sudan	Transitional Constitution 2011
Finland	Child Custody and Rights of Access Act 1983	Spain	2007 amendment to Civil Code
Germany	2000 amendment to Civil Code	Sweden	1979 amendment to Parenthood and Guardianship Code
Greece	Law 3500/2006 on the Combating of Intra-family Violence	TFYR Macedonia	2013 Law on Child Protection
Honduras	2013 amendments to Family Code and Civil Code	Togo	Children’s Code 2007
Hungary	2004 amendment to Child Protection Act	Tunisia	2010 amendment to Penal Code
Iceland	Children’s Act 2003	Turkmenistan	Law on Guarantees of the Rights of the Child 2002
Ireland	2015 amendment to Offences Against the Person (Non Fatal) Act 1997	Ukraine	Family Code 2003
Israel	2000 repeal of “reasonable chastisement” defence	Uruguay	2007 amendments to Civil Code and Children and Adolescents Code 2004
Kenya	Constitution 2010	Venezuela	2007 amendments to Law for the Protection of Children and Adolescents 1998

Progress in states still to complete law reform



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: sharon@endcorporalpunishment.org. For further details on all states see the individual state reports at www.endcorporalpunishment.org.

Corporal punishment unlawful by Supreme Court ruling

In the following states, Supreme Court rulings have declared corporal punishment to be unlawful in all settings including the home but prohibition has not yet been enacted in legislation. Nepal is committed to law reform; Italy is yet to make a public commitment to enacting prohibition.

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Italy	NO ¹	YES	YES	YES	YES	YES
Nepal ²	NO	NO	NO	NO	NO	YES

¹ 1996 Supreme Court ruling prohibited all violence in childrearing but this not yet confirmed in legislation

² Commitment to prohibition in all settings, including the home, made at July 2006 meeting of South Asia Forum, following 2005 UN Study on Violence against Children regional consultation; 2005 Supreme Court ruling removed legal defence for corporal punishment by parents, guardians and teachers

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

Governments in the following 51 states have expressed a commitment to prohibition of all corporal punishment of children. In the majority of cases this has been through unequivocally accepting recommendations to prohibit made during the Universal Periodic Review (UPR) of the state concerned. Some states have formally confirmed a commitment to prohibition in a public context outside of the UPR.

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Afghanistan ³	NO	NO	SOME ⁴	YES	NO	NO ⁵
Algeria ⁶	NO	NO	NO	YES	NO	YES
Angola ⁷	NO	NO	NO	NO	NO	YES
Armenia ⁸	NO	SOME ⁹	NO	YES	YES	YES
Azerbaijan ¹⁰	NO	NO	NO	YES	YES	YES
Bangladesh ¹¹	NO	NO	NO	YES ¹²	NO	NO
Belize ¹³	NO	SOME ¹⁴	SOME ¹⁵	YES	SOME ¹⁶	YES
Bhutan ¹⁷	NO	NO	NO	NO ¹⁸	[YES] ¹⁹	YES
Bosnia and Herzegovina ²⁰	SOME ²¹	SOME ²²	SOME ²³	YES	YES	YES
Burkina Faso ²⁴	NO	NO	SOME ²⁵	SOME ²⁶	[YES] ²⁷	YES
Chile ²⁸	NO	NO	NO	YES	YES	YES
Comoros ²⁹	NO	NO	NO	NO	NO	[YES]
Cuba ³⁰	NO	[SOME] ³¹	[SOME] ³²	[YES]	YES	YES
Dominican Republic ³³	NO	NO	NO	YES	YES	YES
Ecuador ³⁴	NO	NO	SOME ³⁵	YES	YES	SOME ³⁶

3 Commitment to prohibition in all settings, including the home, made at July 2006 meeting of South Asia Forum, following 2005 UN Study on Violence against Children regional consultation

4 Prohibited in preschool provision

5 Lawful under Shari'a law

6 Government accepted UPR recommendation to prohibit in all settings (2012)

7 Government accepted UPR recommendations to prohibit all corporal punishment (2014)

8 Government accepted UPR recommendations to prohibit (2010, 2015); draft legislation which would prohibit under discussion (2015)

9 Unlawful in care institutions

10 Government accepted UPR recommendations to prohibit (2009, 2013)

11 Commitment to prohibition in all settings, including the home, made at July 2006 meeting of South Asia Forum, following 2005 UN Study on Violence against Children regional consultation; Government accepted UPR recommendation to prohibit (2009)

12 Unlawful under 2011 Supreme Court ruling, still to be confirmed in legislation

13 Government accepted UPR recommendation to prohibit (2009)

14 Prohibited in residential care facilities

15 Prohibited in day care centres

16 Prohibited in "Youth Hostel" detention centre

17 Commitment to prohibition in all settings, including the home, made at July 2006 meeting of South Asia Forum, following 2005 UN Study on Violence against Children regional consultation

18 Code of Conduct and ministerial directives state corporal punishment should not be used but no prohibition in law

19 Possibly prohibited in Child Care and Protection Act 2011

20 Government accepted UPR recommendations to prohibit (2015)

21 Prohibited in Republic of Srpska

22 Prohibited in Republic of Srpska

23 Prohibited in Republic of Srpska

24 Draft legislation which would prohibit under discussion (2014)

25 Prohibited in preschool settings

26 Prohibited in primary schools

27 But law permits use of force "in case of apathy following orders"

28 Government accepted UPR recommendations to prohibit in all settings (2014); prohibiting legislation under discussion (2015)

29 Government accepted UPR recommendations to prohibit in all settings (2014); draft legislation which would prohibit possibly under discussion (2014)

30 Government adopted Central American Regional Roadmap on Violence against Children (2011) which recommends full prohibition

31 Possibly prohibited in care institutions

32 Possibly prohibited in preschool institutions

33 Government accepted UPR recommendation to prohibit in all settings (2009); Government adopted Central American Regional Roadmap on Violence against Children (2011) which recommends full prohibition; prohibiting legislation being drafted (2015)

34 Government accepted UPR recommendation to prohibit in all settings (2012)

35 Prohibited in preschool provision

36 Lawful in indigenous communities

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

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
El Salvador ³⁷	NO	NO	SOME ³⁸	YES	YES	YES
Fiji ³⁹	NO	NO	NO	YES ⁴⁰	YES	YES
Georgia ⁴¹	NO	[SOME] ⁴²	NO	YES	YES	YES
Guinea-Bissau ⁴³	NO	[NO]	[NO]	[YES]	[YES]	YES
India ⁴⁴	NO	SOME ⁴⁵	NO ⁴⁶	SOME ⁴⁷	YES ⁴⁸	SOME ⁴⁹
Kiribati ⁵⁰	NO	NO	NO	YES	NO	NO
Kyrgyzstan ⁵¹	NO	SOME ⁵²	NO	YES	[YES]	YES
Lithuania ⁵³	NO	NO	SOME ⁵⁴	YES	YES	YES
Mauritius ⁵⁵	NO	NO	[SOME] ⁵⁶	YES	NO	YES
Mexico ⁵⁷	NO	SOME ⁵⁸	SOME ⁵⁹	YES	YES	YES
Marshall Islands ⁶⁰	NO	NO	NO	[YES] ⁶¹	NO	YES
Mongolia ⁶²	NO	NO	[SOME] ⁶³	YES	NO	YES
Montenegro ⁶⁴	NO	NO	SOME ⁶⁵	YES	YES	YES
Morocco ⁶⁶	NO	NO	NO	NO ⁶⁷	YES	YES
Niger ⁶⁸	NO	NO	NO	NO ⁶⁹	NO	YES
Pakistan ⁷⁰	NO	NO	NO	SOME ⁷¹	SOME ⁷²	SOME ⁷³
Palau ⁷⁴	NO	NO	NO	NO	NO	YES

37 Government accepted UPR recommendations to prohibit in all settings (2010); Government reaffirmed commitment to prohibition at Directing Council of the Inter-American Children's Institute meeting (2014)

38 Prohibited in preschool provision

39 Government accepted UPR recommendation to prohibit in all settings (2014)

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

41 Government accepted UPR recommendations to prohibit (2015)

42 Possibly prohibited in care institutions

43 Government accepted UPR recommendation to prohibit in all settings (2015)

44 Commitment to prohibition in all settings confirmed in third/fourth report to UN Committee on the Rights of the Child (2011); Government accepted UPR recommendation to prohibit in all settings (2012)

45 Prohibited in care institutions except in Jammu and Kashmir; bill which would prohibit in all childcare institutions under discussion (2014)

46 Bill which would prohibit in anganwadi centres and playschools under discussion (2014)

47 Prohibited for 6-14 year olds except in Jammu and Kashmir; not prohibited in religious schools

48 But prohibiting law not applicable in Jammu and Kashmir

49 Permitted in traditional justice systems

50 Government accepted UPR recommendations to prohibit in all settings and repeal "reasonable punishment" defence (2015)

51 Government accepted UPR recommendation to prohibit in all settings (2015)

52 Prohibited in residential institutions

53 Government stated intention to prohibit to UN Committee on the Rights of the Child (2006); Government accepted UPR recommendation to prohibit in the home (2011); draft legislation under discussion (2015)

54 Prohibited in preschool provision

55 Bill which would prohibit under discussion (2015)

56 Possibly unlawful in preschool provision

57 Government adopted Central American Regional Roadmap on Violence against Children (2011), which recommends full prohibition; prohibition included in General Law on the Rights of Children and Adolescents 2014 but further reform needed

58 Prohibited in institutions

59 Prohibited in institutions

60 Government accepted UPR recommendations to prohibit (2015)

61 Public School System Act 2013 prohibits corporal punishment but Criminal Code 2011 provision authorising use of force by teachers to maintain discipline still to be repealed

62 Government accepted UPR recommendations to prohibit (2010, 2015); prohibiting legislation under discussion (2015)

63 Possibly prohibited in preschool settings

64 Government accepted UPR recommendations to prohibit (2013)

65 Prohibited in the provision of preschool education

66 Government accepted UPR recommendation to prohibit in all settings (2012)

67 Ministerial direction advises against corporal punishment but no prohibition in law

68 Draft legislation which would prohibit under discussion (2014)

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

70 Commitment to prohibition in all settings, including the home, made at July 2006 meeting of South Asia Forum, following 2005 UN Study on Violence against Children regional consultation, confirmed in 2014 with launch by Government of national campaign for law reform; Bill which would prohibit under discussion (2014)

71 Prohibited for 5-16 year olds in Islamabad Capital Territory, Sindh province and Punjab

72 Prohibited in Juvenile Justice System Ordinance 2000 but this not applicable in all areas and other laws not amended/repealed

73 Lawful under Shari'a law

74 Government accepted UPR recommendation to prohibit (2011)

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

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

75 Government accepted UPR recommendations to prohibit (2010, 2015)

76 Government accepted UPR recommendation to prohibit in all settings (2011)

77 Lukautim Pikiinini (Child) Act 2009 prohibits corporal punishment of children "in the care of the Director"

78 Draft legislation which would prohibit under discussion (2013)

79 Prohibited in shelter homes

80 Government accepted UPR recommendation to prohibit in the home and other settings (2012); bill which would prohibit under discussion (2015)

81 Government accepted UPR recommendation to prohibit and to repeal the "right of correction" (2011, 2015)

82 Government accepted UPR recommendation to prohibit in the home (2011)

83 Prohibited in early childhood centres

84 Prohibited in government schools for children aged 5-14

85 Government accepted UPR recommendation to prohibit in all settings (2011)

86 Government accepted UPR recommendations to prohibit (2008, 2013)

87 Prohibited in day care which forms part of the education system

88 Government accepted UPR recommendation to prohibit in all settings (2009); prohibition under discussion (2014)

89 Government accepted UPR recommendation to prohibit (2010); draft legislation under discussion (2013)

90 Prohibited in educational day care and in residential schools

91 Government accepted UPR recommendation to prohibit in the home (2012); prohibition under discussion (2015)

92 Commitment to prohibition in all settings, including the home, made at July 2006 meeting of South Asia Forum, following UN Study on Violence against Children regional consultation

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

94 Prohibited in prisons

95 Government accepted UPR recommendation to prohibit in all settings (2011); Government stated legislation is being improved to prohibit corporal punishment in the family and education settings (2012)

96 Prohibited in preschool education settings

97 Government accepted UPR recommendations to prohibit in all settings (2012)

98 But some legislation possibly still to be amended

99 But some legislation possibly still to be amended

100 Government accepted UPR recommendation to prohibit (2011); draft legislation which would prohibit in all settings under discussion (2013)

101 Government accepted UPR recommendations to prohibit (2010, 2015)

102 Bill which would prohibit all corporal punishment under discussion (2015)

103 Ministerial circular advises against corporal punishment but no prohibition in law

104 Government accepted UPR recommendation to prohibit in all settings (2012); draft Constitution would prohibit in the home, schools and other institutions (2015)

105 Prohibited in preschool provision

106 Ruled unconstitutional by Supreme Court in 1991 but some legislation still to be repealed

107 Ruled unconstitutional by Supreme Court in 1991 but some legislation still to be repealed

108 Government accepted UPR recommendation to prohibit in all settings (2011)

109 2014 High Court judgment declared judicial corporal punishment unconstitutional but this has yet to be confirmed by the Constitutional Court

States without a clear commitment to law reform

The following 97 states have yet to make a clear commitment to prohibiting all corporal punishment. Some of these states have accepted UPR recommendations to prohibit but have also indicated that they consider existing legislation adequately protects children from corporal punishment, in conflict with information collected by the Global Initiative. Some states have accepted some UPR recommendations to prohibit corporal punishment but rejected other similar recommendations.

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Antigua & Barbuda	NO	NO	NO	NO	NO	NO
Australia	NO	SOME ¹¹⁰	SOME ¹¹¹	SOME ¹¹²	SOME ¹¹³	YES
Bahamas	NO	SOME ¹¹⁴	NO	NO	[YES] ¹¹⁵	[NO] ¹¹⁶
Bahrain	NO	NO	NO	YES	NO	YES
Barbados	NO	NO	SOME ¹¹⁷	NO	NO	NO
Belarus ¹¹⁸	NO	NO	NO	[YES]	YES	YES
Belgium	NO	SOME ¹¹⁹	NO	YES	YES	YES
Botswana	NO	NO	NO	NO	NO	NO
Brunei Darussalam ¹²⁰	NO	NO	SOME ¹²¹	NO	NO	NO
Burundi	NO	NO	NO	[YES]	NO	YES
Cambodia	NO	NO	NO	YES	YES	YES
Cameroon	NO	NO	[SOME] ¹²²	YES	[YES]	YES
Canada	NO ¹²³	SOME ¹²⁴	SOME ¹²⁵	YES ¹²⁶	YES	YES
Central African Republic	NO	NO	NO	NO	NO	YES
Chad ¹²⁷	NO	[SOME] ¹²⁸	[SOME] ¹²⁹	YES	[YES]	YES
China	NO ¹³⁰	[NO]	SOME ¹³¹	YES	YES	YES
Colombia	NO	[SOME] ¹³²	NO	[YES] ¹³³	[YES] ¹³⁴	SOME ¹³⁵

110 Prohibited in all residential centres and foster care in all states/territories except Northern Territory, Tasmania, Victoria and Western Australia

111 Prohibited in all states/territories except in Northern Territory and Tasmania; prohibition in childminding unconfirmed

112 Prohibited in all states/territories except Northern Territory, Queensland and Western Australia

113 Prohibited in all states/territories except Australian Capital Territory and Western Australia

114 Prohibited in residential institutions

115 But some legislation possibly still to be repealed

116 Judicial corporal punishment prohibited in 1984 but reintroduced in 1991

117 Prohibited in day nurseries

118 Government accepted UPR recommendation to prohibit (2010) but stated it had already been implemented and all corporal punishment unlawful

119 Prohibited in institutions in Flemish community

120 Government accepted some UPR recommendations to prohibit but rejected others (2009)

121 Prohibited in childcare centres

122 Possibly prohibited in nursery education

123 2004 Supreme Court ruling limited but upheld parents' right to physically punish children

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

125 Prohibited in all states/territories except New Brunswick

126 2004 Supreme Court ruling excluded corporal punishment from teachers' right to use force but this still to be confirmed in laws relating to private schools and to all schools in Alberta and Manitoba

127 Government accepted UPR recommendation to prohibit in 2009 but rejected recommendation to prohibit in 2013

128 Possibly prohibited in institutional care settings

129 Possibly prohibited in institutions

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

131 Prohibited in nurseries and kindergartens

132 Possibly unlawful in care institutions

133 Application of law in indigenous communities unconfirmed

134 Application of law in indigenous communities unconfirmed

135 Lawful in indigenous communities

States without a clear commitment to law reform

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Cook Islands	NO	NO	SOME ¹³⁶	YES	NO	YES
Côte d'Ivoire	NO	NO	NO	NO ¹³⁷	YES	YES
Czech Republic	NO	SOME ¹³⁸	SOME ¹³⁹	YES	YES	YES
Djibouti	NO	NO	NO	[YES]	NO	YES
Dominica	NO	NO	SOME ¹⁴⁰	NO	NO	NO
DPR Korea ¹⁴¹	NO	NO	NO	[NO] ¹⁴²	[YES]	[YES]
DR Congo	NO	NO	NO	YES	NO	YES
Egypt	NO	NO	NO	[NO] ¹⁴³	[YES] ¹⁴⁴	YES
Equatorial Guinea	NO	NO	NO	NO	NO	YES
Eritrea	NO	NO	NO	NO ¹⁴⁵	[NO]	[NO]
Ethiopia ¹⁴⁶	NO	SOME ¹⁴⁷	SOME ¹⁴⁸	YES	YES	YES
France ¹⁴⁹	NO	NO	NO	YES ¹⁵⁰	YES	YES
Gabon	NO	NO	SOME ¹⁵¹	YES	YES	YES
Gambia	NO	NO ¹⁵²	NO	NO ¹⁵³	NO	YES
Ghana ¹⁵⁴	NO	NO	NO	NO ¹⁵⁵	SOME ¹⁵⁶	YES
Grenada	NO	SOME ¹⁵⁷	NO	NO	NO	NO ¹⁵⁸
Guatemala ¹⁵⁹	NO	NO	NO	NO	YES	YES
Guinea	NO	NO	NO	NO ¹⁶⁰	[NO]	YES
Guyana	NO	SOME ¹⁶¹	SOME ¹⁶²	NO	SOME ¹⁶³	SOME ¹⁶⁴
Haiti	NO ¹⁶⁵	[YES] ¹⁶⁶	[YES] ¹⁶⁷	YES	YES	YES

- 136 Prohibited in institutions providing early childhood education
137 Ministerial circular states corporal punishment should not be used but no prohibition in law
138 Unlawful in institutions
139 Prohibited in preschool provision
140 Prohibited in early childhood education facilities
141 Government accepted UPR recommendation to prohibit in all settings (2014)
142 Policy states corporal punishment should not be used but possibly no prohibition in law
143 Ministerial directive states corporal punishment should not be used but possibly no prohibition in law
144 Possibly lawful in social welfare institutions
145 Policy states corporal punishment should not be used but possibly no prohibition in law
146 Government accepted UPR recommendation to abolish corporal punishment but rejected recommendation to criminalise it (2014)
147 Prohibited in institutions
148 Prohibited in institutions
149 Government accepted UPR recommendation to prohibit in all settings (2013) but made a general statement that acceptance did not necessarily imply a commitment to further action but could imply a commitment to continue existing efforts or maintain measures already in place
150 But courts have recognised a "right of correction"
151 Prohibited in preschool provision
152 Minimum standards for residential childcare institutions state corporal punishment should not be used but no prohibition in law
153 Ministerial directive advises against corporal punishment but no prohibition in law
154 Government accepted UPR recommendations to prohibit in all settings (2008, 2012) but also defended "reasonable" punishment and in the context of reviewing the Constitution (2012) asserted that existing legislation already adequately protects children
155 Ministerial directive possibly advises against corporal punishment but no prohibition in law
156 Prohibited in prisons
157 Prohibited in childcare homes
158 Prohibited in Juvenile Justice Act 2012, not yet in force
159 Government accepted UPR recommendation to prohibit in the home (2008) and in all settings (2012) but has also said corporal punishment is prohibited under existing law
160 Ministerial circular possibly advises against corporal punishment but no prohibition in law
161 Prohibited in some but not all settings in Child Care and Services Development Act 2011
162 Prohibited in some but not all settings in Child Care and Services Development Act 2011
163 Lawful for persons over 16
164 Lawful for persons over 16
165 Bill which would prohibit under discussion (2014)
166 Prohibition in foster care unconfirmed
167 Prohibition in crèches and childminding unconfirmed

States without a clear commitment to law reform

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Indonesia	NO	NO ¹⁶⁸	NO	NO	YES	SOME ¹⁶⁹
Iran	NO	NO	SOME ¹⁷⁰	NO ¹⁷¹	YES	NO
Iraq	NO ¹⁷²	NO	NO	NO	SOME ¹⁷³	YES
Jamaica	NO ¹⁷⁴	YES	SOME ¹⁷⁵	NO ¹⁷⁶	YES	YES
Japan ¹⁷⁷	SOME ¹⁷⁸	NO	NO	YES ¹⁷⁹	NO	YES
Jordan ¹⁸⁰	NO	[SOME] ¹⁸¹	[NO]	YES	[YES]	YES
Kazakhstan	NO	[SOME] ¹⁸²	SOME ¹⁸³	YES	YES	YES
Kuwait ¹⁸⁴	NO	NO	NO	YES	[YES]	[YES]
Lao PDR	NO	NO	SOME ¹⁸⁵	YES	YES	YES
Lebanon	NO	NO	NO	NO ¹⁸⁶	[YES]	YES
Lesotho ¹⁸⁷	NO	NO	NO	NO	YES	YES
Liberia	NO	SOME ¹⁸⁸	SOME ¹⁸⁹	NO	YES	YES ¹⁹⁰
Libya	NO	NO	SOME ¹⁹¹	YES	NO	NO
Madagascar	NO	NO	NO	[YES]	NO	YES
Malawi	NO	SOME ¹⁹²	SOME ¹⁹³	[YES] ¹⁹⁴	YES	YES
Malaysia	NO	NO	NO	NO	NO	NO ¹⁹⁵
Maldives ¹⁹⁶	NO	NO	NO	NO ¹⁹⁷	NO	NO
Mali	NO	NO	SOME ¹⁹⁸	YES	YES	YES
Mauritania	NO	NO	NO	NO ¹⁹⁹	NO	NO
Micronesia	NO	NO	NO	[YES]	NO	YES

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

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

170 Prohibited in day care centres (kindergartens)

171 Government directive states corporal punishment should not be used but no prohibition in law

172 Possibly prohibited in Kurdistan

173 Prohibited in prisons and detention centres

174 Prohibition under discussion (2015)

175 Prohibited in early childhood centres ("basic schools"); prohibition in all settings under discussion (2015)

176 But see note on day care; prohibition in all schools under discussion (2015)

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

178 Prohibited in Kawasaki City by local ordinance

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

180 Government accepted UPR recommendation to prohibit in all settings (2009) but stated that laws do not prescribe any form of corporal punishment and subsequently amended but did not repeal the parental right to discipline children according to "general custom"

181 Possibly prohibited in institutions

182 Possibly prohibited in children's villages

183 Prohibited in preschool education and training

184 Government accepted 2010 UPR recommendation to prohibit but subsequently stated corporal punishment is unlawful under existing law; government accepted 2015 recommendation to prohibit but appeared to defend "simple discipline"

185 Unlawful in early childhood education settings

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

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

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

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

190 But provisions for corporal punishment in the Hinterland Regulations still to be repealed

191 Unlawful in preschool provision

192 Prohibited in state-run institutions

193 Prohibited in state-run day care

194 Prohibition in private schools unconfirmed

195 Government committed to prohibition of judicial caning for persons under 18 (2007); bill which would prohibit under discussion (2015)

196 Government expressed commitment to prohibition in all settings, including the home, at July 2006 meeting of South Asia Forum, following 2005 UN Study on Violence against Children regional consultation, but law reform in 2014/2015 re-authorised corporal punishment in all settings and Government rejected UPR recommendations to prohibit (2015)

197 Ministry of Education advises against corporal punishment but no prohibition in law

198 Prohibited in preschools and kindergartens

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

States without a clear commitment to law reform

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Monaco	NO	NO	NO	YES	YES	YES
Mozambique	NO	NO	NO	NO ²⁰⁰	YES	YES
Myanmar	NO	NO	NO	NO ²⁰¹	NO	YES ²⁰²
Namibia	NO	SOME ²⁰³	SOME ²⁰⁴	YES	YES ²⁰⁵	YES ²⁰⁶
Nauru	NO	NO	[SOME] ²⁰⁷	YES	YES	[YES]
Nigeria	NO	NO	NO	NO ²⁰⁸	SOME ²⁰⁹	SOME ²¹⁰
Niue	NO	NO	NO	NO	[YES]	YES
Oman	NO	NO	[SOME] ²¹¹	YES	NO	[YES]
Qatar ²¹²	NO	NO	NO	NO ²¹³	YES	NO
Republic of Korea ²¹⁴	SOME ²¹⁵	SOME ²¹⁶	SOME ²¹⁷	SOME ²¹⁸	YES	YES
Russian Federation	NO	NO	SOME ²¹⁹	YES	YES	YES
Saudi Arabia ²²⁰	NO	NO	NO	NO ²²¹	NO	NO
Senegal	NO	NO	NO	SOME ²²²	[YES] ²²³	YES
Seychelles	NO	NO	NO	NO ²²⁴	NO	YES
Sierra Leone	NO	NO	NO	NO	YES	YES
Singapore	NO	NO	SOME ²²⁵	NO	NO	NO
Solomon Islands ²²⁶	NO	NO	NO	NO	YES	YES ²²⁷
Somalia	NO	SOME ²²⁸	SOME ²²⁹	[SOME] ²³⁰	SOME ²³¹	SOME ²³²
St Kitts & Nevis	NO	NO	NO	NO	NO	[YES] ²³³
St Lucia	NO	NO	NO	NO	NO	YES

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

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

202 But some legislation still to be repealed

203 Unlawful in state-run childcare under 1991 Supreme Court ruling but some legislation still to be repealed; prohibited in Child Care and Protection Act 2014, not yet in force

204 Unlawful in state-run childcare under 1991 Supreme Court ruling but some legislation still to be repealed; prohibited in Child Care and Protection Act 2014, not yet in force

205 Unlawful under 1991 Supreme Court ruling but some legislation still to be repealed; prohibited in Child Care and Protection Act 2014, not yet in force

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

207 Possibly prohibited in preschool education settings

208 But possibly prohibited in Lagos State

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

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

211 Possibly prohibited in preschool provision

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

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

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

215 Prohibited in Seoul

216 Prohibited in Seoul

217 Prohibited in Seoul

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

219 Unlawful in preschool provision

220 Government accepted UPR recommendations to prohibit corporal punishment of children in schools and the penal system but stated that it was already prohibited in schools

and care settings (2009); recommendations to prohibit in 2013 UPR rejected

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

222 Prohibited for 6-14 year olds

223 But law permits use of force "in the case of inertia to the orders given"

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

225 Prohibited in childcare centres

226 Government accepted UPR recommendation to prohibit in all settings (2011) but stated that the Penal Code was being reviewed to ascertain whether further provision or

guidance is necessary to clarify when corporal punishment is lawful

227 But used in traditional justice

228 Prohibited in Somaliland

229 Prohibited in Somaliland

230 Possibly prohibited in Somaliland

231 Prohibited in Somaliland

232 Prohibited in Somaliland

233 But some legislation still to be formally repealed

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
St Vincent & Grenadines	NO	NO	NO	NO	NO	NO
State of Palestine	NO	NO	NO	SOME ²³⁴	[NO] ²³⁵	[NO] ²³⁶
Sudan	NO	NO	NO	SOME ²³⁷	NO	[YES] ²³⁸
Suriname	NO	NO	NO	NO ²³⁹	YES	YES
Swaziland	NO	NO	NO	NO	NO	YES
Switzerland	NO ²⁴⁰	SOME ²⁴¹	YES	YES	YES	YES
Syrian Arab Republic	NO	NO	NO	NO ²⁴²	NO	YES
Taiwan	NO	NO	[SOME] ²⁴³	YES	YES	YES
Tonga	NO	NO	SOME ²⁴⁴	YES	[YES]	NO ²⁴⁵
Trinidad & Tobago	NO	YES	YES	YES	YES	YES
Tuvalu ²⁴⁶	NO	SOME ²⁴⁷	NO	NO	SOME ²⁴⁸	SOME ²⁴⁹
UK	NO	SOME ²⁵⁰	SOME ²⁵¹	YES ²⁵²	YES	YES
United Arab Emirates	NO	NO	NO	YES	[YES]	NO
UR Tanzania	NO	SOME ²⁵³	NO	NO	SOME ²⁵⁴	SOME ²⁵⁵
USA	NO	SOME ²⁵⁶	SOME ²⁵⁷	SOME ²⁵⁸	SOME ²⁵⁹	YES
Uzbekistan	NO	NO	NO	YES	YES	YES
Vanuatu	NO	NO	NO	YES	YES	SOME ²⁶⁰
Viet Nam	NO	NO	NO	YES	YES	YES
Western Sahara	NO	[NO]	[NO]	[NO]	[YES]	[YES]
Yemen	NO	NO	[SOME] ²⁶¹	YES	YES	NO

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

235 Possibly unlawful in East Jerusalem

236 Possibly unlawful in Gaza

237 At federal level Child Act 2010 prohibits cruel punishment but not explicitly all corporal punishment; prohibited in Khartoum State

238 Possibly lawful under Shari'a law

239 Government accepted UPR recommendation to prohibit in schools (2011)

240 2003 Federal Court ruling stated repeated and habitual corporal punishment unacceptable but did not rule out right of parents to use corporal punishment

241 Lawful as for parents in alternative care involving family placements

242 Ministry of Education advises against corporal punishment but no prohibition in law

243 Possibly prohibited in care centres under education legislation

244 Prohibited in preschool institutions

245 2010 Court of Appeal ruling stated that "it might be argued" whipping is unconstitutional but did not declare it to be so

246 Government accepted UPR recommendation to prohibit in 2008 but in 2013 accepted some UPR recommendations to prohibit and rejected others

247 Prohibited in hospital mental health wing

248 Corporal punishment by police officers prohibited

249 Island Courts may order corporal punishment

250 Prohibited in residential institutions and foster care arranged by local authorities or voluntary organisations throughout the UK

251 Prohibited in day care and childminding in England, Wales and Scotland; in Northern Ireland, guidance states physical punishment should not be used but no prohibition in law

252 But in 2014 Government confirmed legislation does not prohibit in "unregistered independent settings providing part-time education"

253 Prohibited in residential institutions in Zanzibar

254 Prohibited in approved schools and remand homes in Zanzibar

255 Prohibited in Zanzibar

256 Prohibited in all care settings in 31 states, and in some settings in other states and District of Columbia

257 Prohibited in all care settings in 31 states, and in some settings in other states and District of Columbia

258 Prohibited in public schools in 29 states and District of Columbia, and in public and private schools in Iowa and New Jersey; federal bill which would prohibit under discussion (2015)

259 Prohibited in 32 states

260 Permitted in rural areas under customary justice systems

261 Possibly prohibited in preschool provision

100 the number of UN member states which have prohibited corporal punishment in all settings or are committed to doing so

118 the number of states where current law reform processes present immediate opportunities for enacting prohibition of corporal punishment

43 the number of states which have received 3 or more recommendations on corporal punishment from the Committee on the Rights of the Child but have still not fulfilled their obligation to prohibit it in all settings

10 the percentage of the world's children living in countries where the law says they should not be subjected to corporal punishment in any setting

1,000,000,000 the number of 2-14 year olds found by UNICEF research to be regularly subjected to corporal punishment by their caregivers ...

This 10th report on global progress towards prohibition of corporal punishment, issued in the year that governments around the world have made a commitment to ending all violence against children under the 2030 Agenda for Sustainable Development, provides a stark reminder that words are not enough. We celebrate the achievement of the now 48 states which prohibited all corporal punishment and the 52 committed to doing so – but really it is indefensible that more than a quarter of a century after the adoption of the Convention on the Rights of the Child still so many children lack this basic legal recognition of their rights to respect for their human dignity and physical integrity and to equal protection in law. In a world where recourse to violence seems ever more acceptable in the face of conflict, there can be no more urgent task than to take action against the legal and social acceptance of violent punishment of children and to work towards building a new norm characterised by peaceful, respectful and non-violent relationships.



Global Initiative to
End All Corporal Punishment
of Children

The Global Initiative to End All Corporal Punishment of Children promotes universal prohibition and elimination of corporal punishment and freely offers technical support and advice on all aspects of law reform.

www.endcorporalpunishment.org

Save the Children opposes all corporal punishment and other humiliating punishment of children and works for its universal prohibition and elimination.

resourcecentre.savethechildren.se



For information about the UN Secretary General's Study on Violence against Children, see www.unviolencestudy.org