

# Ending legalised violence against children

GLOBAL REPORT 2012



Inside: tables of  
progress in all  
regions – page 24

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

*“Violence has no place in children’s lives; violence is not caring and violence is anti-educational. We have repeated endlessly the mantra of the Study Report: ‘No violence against children is justifiable; all violence against children is preventable.’ Violence cannot be dignified or justified by reference to faith or religion; increasingly, this is accepted in relation to violence against women, and it must be accepted in relation to children.”*

Paulo Sérgio Pinheiro (The Independent Expert who led the UN Study on Violence against Children), 2012



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### PUBLISHED 2012 BY:

Global Initiative to End All Corporal Punishment of Children [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)  
Save the Children [raddabarnen.se](http://raddabarnen.se), [resourcecentre.savethechildren.se](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.

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## Acknowledgements

Photos from Child Rights Institute, Sudan (p. 4); RISE St Lucia (p. 19); Childline South Africa, project funded by Save the Children Sweden (p. 23). Other photographs of children depict models and are used for illustrative purposes only.

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.

## Note on facts and figures

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

## Note on resources

All resources noted in the report are published by the Global Initiative, solely or in collaboration with others. All are freely available online at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org), some also in hard copy. For a full publications list email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org).

# Messages



## Marta Santos Pais

Special Representative of the Secretary General on Violence against Children

This new report by the Global Initiative to End All Corporal Punishment of Children is a thoughtful and rich contribution to the global agenda to end violence against children. The report provides an informative overview of progress towards prohibiting all forms of corporal punishment of children, analyses remaining obstacles for law reform, and makes the case for better data and stronger research on violent disciplinary practices in specific settings, including the home, in schools, and in residential care and justice institutions.

Strong legislation prohibiting all forms of violence against children is a cornerstone of an effective national policy framework, and helps build a culture of respect for children's rights. In the past few years there have been important developments. The number of countries with a policy agenda to address violence against children has almost doubled. The adoption of legislation banning the use of violence as a form of punishment or sentencing is gaining momentum, with many states having adopted a legal prohibition of inhuman sentencing, including life imprisonment and capital punishment. A growing number of countries have in place a comprehensive ban on corporal punishment in all settings and many others a partial prohibition. There has also been a visible increase in the number of national surveys on children's exposure to violence, which provide important insights for law reform affecting children.

While we still face many challenges, these are hopeful developments to build on. The present report is an important resource in taking our efforts further to build a world without violence against children.



## Professor Paulo Sérgio Pinheiro

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

It is six years since I delivered the report of the UN Secretary General's Study to the General Assembly, including its clear prioritised recommendation for the prohibition of all corporal punishment and all other forms of violence; six long years in the life of a child; six years which have seen some encouraging progress in all regions; six years in which the scale of this most common form of violence and its devastating impact on the dignity and development of the child have been ever more clearly documented.

The Global Initiative has painstakingly mapped the legality and prevalence of corporal punishment in every state, as well as the cumulative pressure on states from human rights monitoring bodies including now the Universal Periodic Review. The detailed analyses make all too clear that states must be kept under unrelenting and explicit pressure to fulfill their immediate human rights obligations to end the legality of violent punishment of children. States cannot plead lack of resources to delay extending to children full protection under the law. As the report demonstrates there are legislative opportunities now in more than 80 states which could be used to achieve a ban in some or all settings; we must work together to ensure active advocacy to achieve this essential reform.

# Progress and delay in prohibiting corporal punishment

We live in a time of incredible change – relentless political and social upheaval (for better or worse), technological advances, ever more and faster methods of communicating and information sharing.... It seems that little stays the same for long. But the pace of change in how we treat children remains stubbornly slow. It is shocking that at this point in the 21st century we are still fighting entrenched attitudes that hitting children is OK or even a duty.

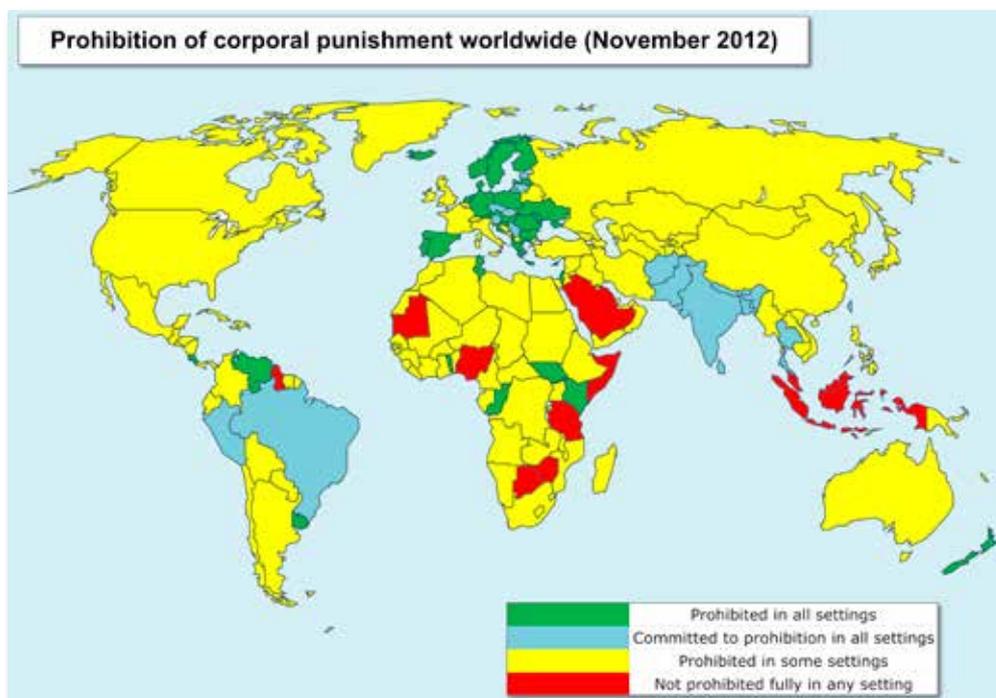
On the one hand this situation makes all the more remarkable the achievements of the 33 states which have enacted laws to prohibit corporal punishment and are now focusing their efforts on ensuring the laws are implemented and that children can live their lives free from violence at the hands of those who care for them. But on the other hand it exposes the low status that children still have in too many societies, a failure to regard them as fully human and holders of human rights, and a refusal to perceive their ongoing subjection to physical and emotional assault in their own homes and in places of learning as a serious violation of their fundamental human rights that should be rectified immediately.

We can rightly celebrate the progress described in these pages, but we can equally question why it is that so many children are yet to benefit from full legal protection from all forms of corporal punishment in all settings of their lives. In last year's Global Report, Paulo Sérgio Pinheiro, who led the UN Secretary General's Study on Violence against Children, drew attention to the target of 2009 which the Study report set 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?"

This report documents increasing numbers of active campaigns in all regions: we must work together to insist that states fulfil their obligations to the present generation of children.

## Progress towards prohibition ...

Thirty-three states have now prohibited corporal punishment in all settings, including the home. Governments in at least a further 18 are publicly committed to prohibition in all settings; in some, draft legislation which would achieve prohibition is actively being discussed. The majority of states have prohibited corporal punishment in settings outside the home – in schools (117 states), in penal institutions (121 states) and as a sentence of the courts (157 states); a small number have prohibited corporal punishment in all forms of care (40 states).



## Progress at national level

Two states were added during the year to the list of those where corporal punishment is unlawful in all settings, including the home:

- In **Albania**, the Law on the Protection of the Rights of the Child (2010) states in article 21 that the child shall be protected from “any form of ... corporal punishment and degrading and humiliating treatment”; article 3(f) defines corporal punishment as “any form of punishment resorting to the use of force aimed to cause pain or suffering, even in the slight extent, by parents, siblings, grandparents, legal representative, relative or any other person legally responsible for the child”.
- In the **Republic of Congo**, article 28 of the Law on the Protection of the Child (2010) states that children have a right to be guided by their parents; article 53 states explicitly that corporal punishment may not be used; article 107 states that the infliction of cruel, inhuman or degrading punishment on children is punishable under the Penal Code.

In addition, newly autonomous countries within the Kingdom of the Netherlands are reforming their laws so that, as in the Netherlands, corporal punishment is prohibited in all settings. In **Curaçao**, the Joint Custody Ordinance (2011) amends article 247 of the Civil Code so that it prohibits all corporal punishment by parents and those *in loco parentis*, making Curaçao the first territory in the Caribbean to achieve full prohibition. Similar reform is currently under discussion in **Sint Maarten** and **Aruba**.

Legislation in countries which have already achieved prohibition in all settings continues to be strengthened. In **Austria**, the prohibition achieved in 1989 is confirmed in the new Law on the Rights of the Child (2011); in **Kenya**, where the Constitution (2010) prohibits all corporal punishment, the Basic Education Bill currently under discussion would, if enacted, confirm the prohibition in relation to schools, school correctional facilities and borstal institutions; similarly, the General Education Bill under discussion in **South Sudan**, where all corporal punishment has been prohibited since 2005, would confirm prohibition in schools.

Other states have achieved prohibition in settings outside the home during the year. In **Pakistan**, the Right to Free and Compulsory Education Act (2012) for Islamabad Capital Territory prohibits corporal punishment in government schools for 5-16 year olds (other provinces are discussing similar legislation); in **Lesotho**, the Child Protection and Welfare Act (2011) achieved prohibition of corporal punishment as a sentence for crime; in **Liberia** the Children’s Law (2011) achieved prohibition in penal institutions.

Elsewhere, prohibiting legislation has been passed but is yet to come into force. In **Trinidad and Tobago** the Child Act (2012) prohibits corporal punishment in all settings outside the home; in **Grenada** the Juvenile Justice Act (2012) and in **Swaziland** the Children’s Protection and Welfare Act (2012) prohibit corporal punishment as a sentence of the courts.

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

Albania; Austria; Bulgaria; Congo, Republic of; 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

### Governments in 18 states have made a public commitment to enacting prohibition in all settings:

Afghanistan; Bangladesh; Bhutan; Brazil; Czech Republic; Estonia; India; Lithuania; Maldives; Nepal; Pakistan; Peru; Serbia; Slovakia; Slovenia; Sri Lanka; Taiwan; Thailand



Training on alternatives to corporal punishment in schools, Sudan

## Regional developments

### Africa

In March, the Global Initiative with Save the Children Sweden held a five day regional "Technical Workshop on the Prohibition and Elimination of Physical/Corporal Punishment and All Other Forms of Cruel or Degrading Punishment" in Zanzibar, Tanzania, focusing primarily on law reform in East and Central Africa. Government and non-government participants came from Ethiopia, Kenya, Rwanda, Somalia, Somaliland, South Africa, South Sudan, Sudan, Uganda, UR Tanzania and Zanzibar. National action plans were drafted and are now at various stages of development and implementation.

### Caribbean

A regional conference following up the UN Study on Violence against Children was held in Jamaica in May which included a focus on prohibiting and eliminating corporal punishment of children. In a report on progress towards prohibition, prepared by the Global Initiative in collaboration with the Global Movement for Children in Latin America and the Caribbean and launched during the meeting, Caribbean experts including religious leaders united in calling for an end to corporal punishment of children in their homes, schools and all other places (see page 22). Children prepared a Declaration in which they spoke out against corporal punishment. Plans are being made to form a Caribbean coalition to promote law reform.

In July, the 23rd meeting of the Council for Human and Social Development (COHSOD) of the Caribbean Community (CARICOM) was held in Guyana and focused on violence against children as a key issue. COHSOD received the above mentioned progress report and, under an agenda item "Towards full prohibition of corporal punishment", CARICOM member states were urged to engage key stakeholders in ongoing dialogue on the issue.

### Europe

The Council of Europe adopted a new Strategy for the Rights of the Child 2012-2015 to protect and promote children's rights through providing guidance, advice and support to its 47 member states on how to bridge the gaps between standards and practice. One of the strategy's four main objectives is eliminating all forms of violence against children, including corporal punishment. In 2008, the Council became the first intergovernmental organisation to launch a regional campaign ([www.coe.int/t/dg3/children/corporalpunishment/](http://www.coe.int/t/dg3/children/corporalpunishment/)) to ensure its member states prohibit corporal punishment in all settings: to date 23 have done so.

### South Asia

In Sri Lanka in May, a high level campaign ([www.saievac.org/cp/](http://www.saievac.org/cp/)) for the prohibition and elimination of corporal punishment in all settings including the home was officially launched by the South Asia Initiative to End Violence Against Children (SAIEVAC), an Apex Body of the South Asian Association for Regional Cooperation (SAARC). The campaign's goal is "ending the legality, social acceptance and practice of violent punishment in South Asia, conducive to the full development of a quarter of the world's children". The expected outcomes are: "(1) Clear prohibition in legislation of all corporal punishment and other forms of cruel or degrading punishment of children in all settings of their lives is achieved in the eight SAARC member states; and (2) Corporal punishment is recognised as a harmful practice and adults adopt positive, non-violent parenting, caring and education." The campaign builds on the longstanding and growing commitment to prohibition made by governments in the region and the publication by SAIEVAC of a major report on the issue.

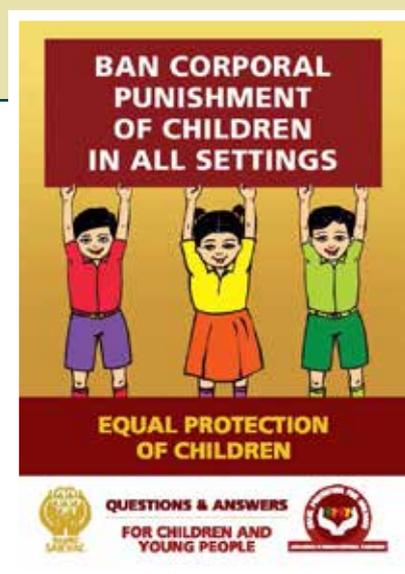
## Key Global Initiative resources

*Prohibiting corporal punishment of children in the Caribbean: progress report 2012*

*Prohibiting corporal punishment of children in West Africa: progress report 2012*

*Prohibition of corporal punishment of children in South Asia: a progress review*

*Prohibiting all corporal punishment of children: progress and delay (global and Africa versions)*



Q and A booklet, SAIEVAC campaign in South Asia

## And lack of progress ...

Despite the previously mentioned achievements, the pace of reform remains too slow. In 26 states, prohibition of corporal punishment has not been enacted fully in any setting; in 41 states, corporal punishment (caning, flogging, whipping) is lawful as a sentence for crime under state, religious and/or traditional justice systems. While the number of states achieving prohibition in the home has almost doubled in the last five years, still only 5.2% of the world's children live where they are protected in law from all assault in the guise of "discipline". The proportion of the global child population living in countries where corporal punishment is prohibited has increased by less than five percentage points in every setting.

### In 26 states, laws currently in force do not fully prohibit corporal punishment in any setting:

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

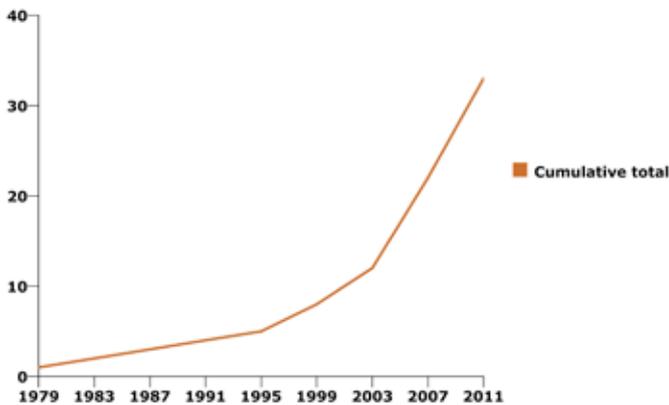
*\* Prohibiting laws enacted, not yet in force*

### In 41 states corporal punishment (caning, flogging, whipping) is lawful as a sentence for crime under state, religious and/or traditional systems of justice:

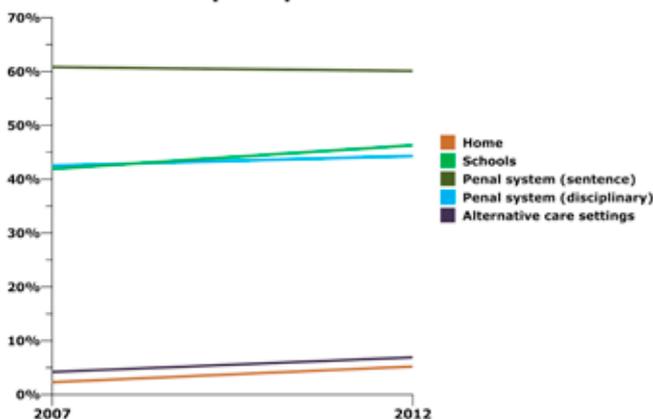
Afghanistan; Antigua and Barbuda; Bahamas; Bangladesh; Barbados; Bolivia; Botswana; Brunei Darussalam; Colombia; Dominica; Ecuador; Eritrea; Grenada\*; Guatemala; Guyana; India; Indonesia; Iran; Kiribati; Libyan Arab Jamahiriya; Malaysia; Maldives; Mauritania; Nigeria; Pakistan; Palestine; Qatar; Saudi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

*\* Prohibiting laws enacted, not yet in force*

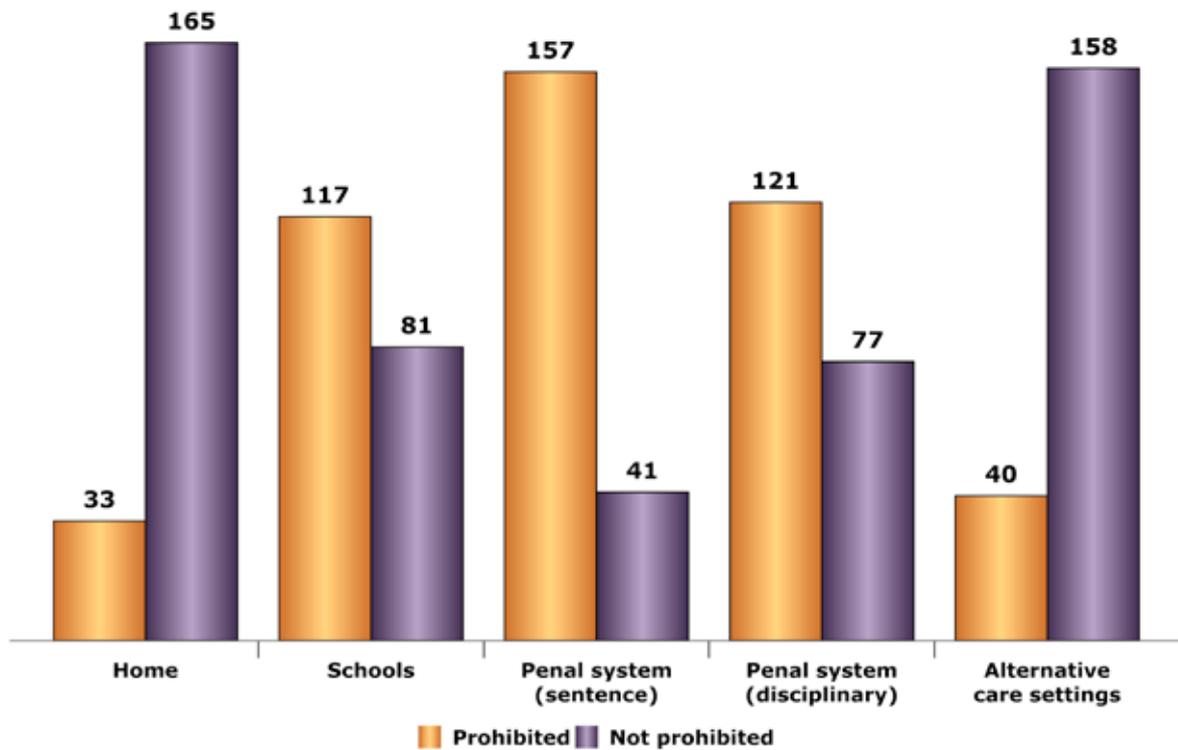
#### Accelerating progress towards universal prohibition of corporal punishment



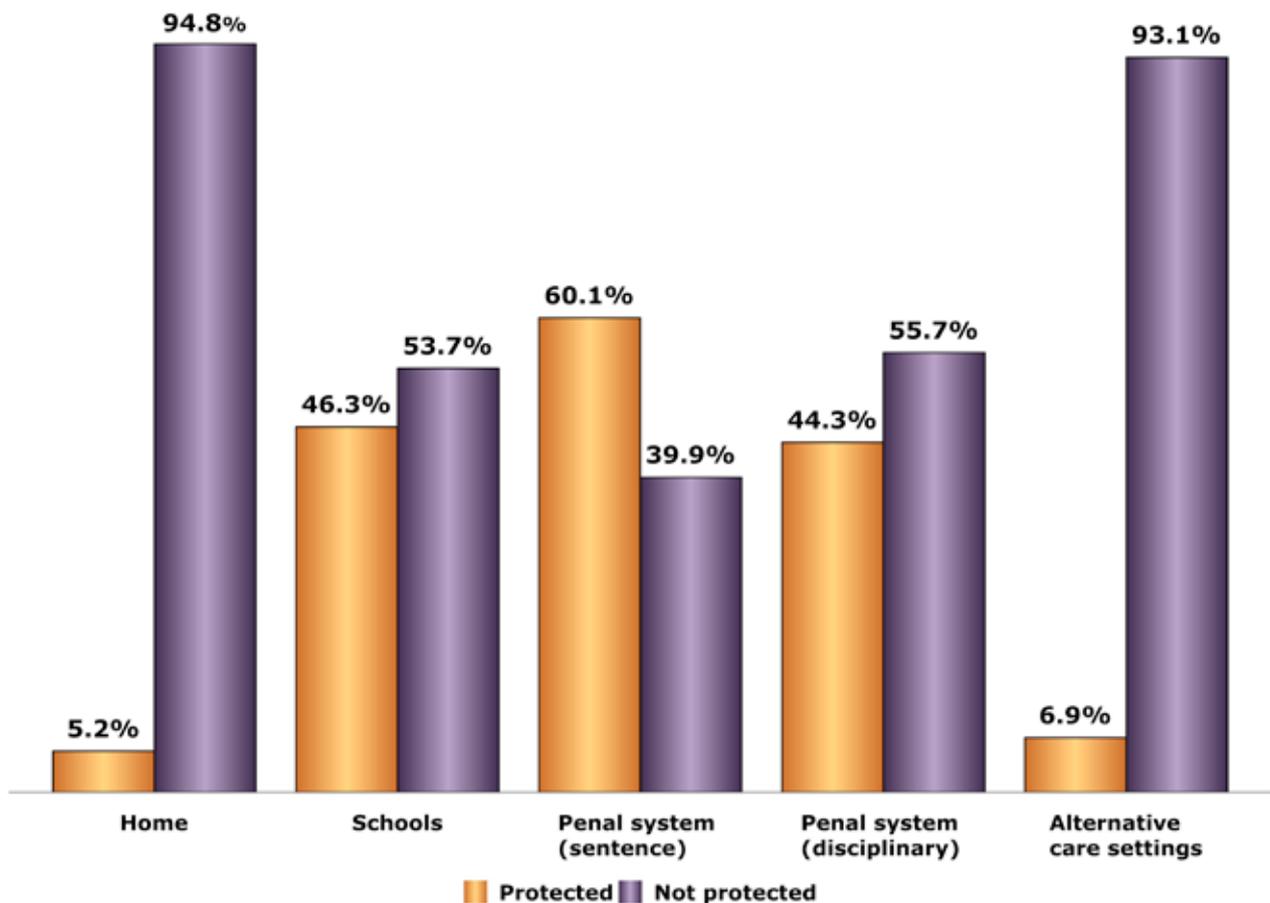
#### Increase in percentage of children legally protected from corporal punishment since 2007



## Number of states worldwide prohibiting corporal punishment of children



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



# Human rights – the driving

## Prohibiting corporal punishment is a fundamental human rights obligation

The obligation under international human rights law to prohibit all corporal punishment of children, including in the home, is strongly established. States may resist the idea but there is consensus among those charged with monitoring implementation of the UN Convention on the Rights of the Child and other treaties: children share with adults the fundamental human right not to be subjected to violence, even if meted out in the name of “discipline”.



### The jurisprudence of the treaty monitoring bodies

Since the beginning of its work monitoring implementation of the Convention on the Rights of the Child, the **Committee on the Rights of the Child** has interpreted it as requiring states to reform their laws to prohibit all corporal punishment – in the home and all other settings. To date (November 2012), the Committee has made 336 recommendations concerning corporal punishment of children to 193 states.

Other UN treaty monitoring bodies have long been concerned with corporal punishment in justice systems: increasingly they have attended to corporal punishment 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 on corporal punishment in the penal system in 1993, in schools in 1995 and in all settings in 2007. Similar recommendations have been made by the **Committee on Economic, Social and Cultural Rights** and the **Committee on the Elimination of Discrimination against Women**. The **Committee on the Rights of Persons with Disabilities**, in its initial jurisprudence on implementation of the Convention on the Rights of Persons with Disabilities, is paying attention to the issue in examining states.

Regional treaty monitoring bodies confirm that prohibition of corporal punishment is an obligation under their respective human rights instruments. For example, the **European Committee of Social Rights** systematically pursues the issue and regularly concludes that states which do not prohibit by law all corporal punishment, including in the home, are in breach of the European Social Charter and the Revised Social Charter. The **African Committee of Experts on the Rights and Welfare of the Child** has raised the issue when examining states' implementation of the African Charter on the Rights and Welfare of the Child. At the request of the **Inter-American Commission on Human Rights**, the Inter-American Court of Human Rights confirmed that children's human rights should be respected in private and in public spheres; the Commission is committed to supporting member states of the Organisation of American States to enact prohibiting legislation.

The significance of the obligation to prohibit and eliminate corporal punishment of children as a fundamental human rights issue is reflected in the prominence given to it during the **Universal Periodic Review (UPR)** of the overall human rights record of every state. During the first UPR cycle, 2008-2011, the problem of corporal punishment of children was raised and recommendations made on the issue in the reviews of over 100 states. The focus is being maintained in the second cycle, which began in May 2012: of the 28 states reviewed to date, 23 have received recommendations concerning corporal punishment of children. The vast majority of recommendations are to prohibit corporal punishment in law; where states have already achieved this, recommendations concern implementation of prohibition.

# force for reform

## 75 states have accepted recommendations on corporal punishment made during the UPR:

Andorra; Armenia; Azerbaijan; Bangladesh; Barbados; Belarus; Belize; Benin; Bolivia; Brunei Darussalam; Cape Verde; Chad; Comoros; Dominican Republic; Ecuador; El Salvador; Estonia; Finland; Gabon; Ghana; Guatemala; Honduras; Hungary; India; Ireland; Jamaica; Japan; Jordan; Kuwait; Kyrgyzstan; Latvia; Lesotho; Liechtenstein; Lithuania; Mali; Mexico; Mongolia; Morocco; Nicaragua; Niger; Palau; Panama; Papua New Guinea; Peru; Philippines; Poland; Qatar; Republic of Moldova; Rwanda; Samoa; San Marino; Sao Tome and Principe; Saudi Arabia; Senegal; Serbia; Slovakia; Slovenia; Solomon Islands; Somalia; South Africa; Suriname; Swaziland; Switzerland; Tajikistan; TFYR Macedonia; Thailand; Timor-Leste; Tunisia; Turkey; Tuvalu; UR Tanzania; Vanuatu; Yemen; Zambia; Zimbabwe

## 28 states have rejected recommendations on corporal punishment made during the UPR:

Albania; Antigua and Barbuda; 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; Suriname; Swaziland; Trinidad and Tobago; UK; United Arab Emirates; UR Tanzania; Zimbabwe

The positive responses of many states to the UPR recommendations provide opportunities for NGOs to advocate for law reform to achieve prohibition.

States may reject the recommendations in the belief that existing legislation already adequately protects children from corporal punishment, in which case awareness raising is necessary concerning the duty to ensure the law explicitly and comprehensively prohibits corporal punishment and emphasising children's right to protection from all forms of it in all settings. Recent law reform in Albania and Trinidad and Tobago (see page 4) demonstrates that rejection of recommendations does not preclude the achievement of prohibition in some or even all settings.

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

Where governments actively oppose law reform, 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 in pursuing law reform. The Global Initiative can provide detailed advice (email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)).

## Prohibiting corporal punishment is not only a child rights issue

Understanding the right of children to equality with adults in terms of legal protection from assault is not simply about extending the rights of adults to children. Seeing children as fully human, and therefore as holders of fundamental human rights, means understanding that violating those rights has implications for the whole of society. The right of children to protection from all corporal punishment is not a “niche” issue, to be adopted or ignored at will – it is not an optional add on to other “more important” rights. It is a key aspect of the right – of adults as well as children – not to be subjected to violence, and is intricately connected to other basic rights (to life, health, education, etc).

As the list of supporters at the start of this report illustrates, prohibiting and eliminating corporal punishment matters not only to child rights advocates but also to those concerned with realising human rights for other groups in society, such as women and people with disabilities; it is integral to the work not only of those addressing “all forms of violence” but also to those concerned with other fundamental rights. There is no competition: fulfilment of children's rights reinforces not undermines fulfilment of the rights of women and other groups in society; taking up the issue of corporal punishment strengthens not detracts from the work of those focusing on health, education and other issues.

*“Addressing the widespread acceptance or tolerance of corporal punishment of children and eliminating it, in the family, schools and other settings, is not only an obligation of States parties under the Convention. It is also a key strategy for reducing and preventing all forms of violence in societies.”*

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

# Corporal punishment – a women’s issue

*“... the Study [on Violence against Children] recognises that virtually all forms of violence are linked to entrenched gender roles and inequalities, and that the violation of the rights of children is closely linked to the status of women.”*

(Paulo Sérgio Pinheiro, The Independent Expert who led the UN Study on Violence against Children)



Violence against women and girls is now universally understood to be a violation of their human rights and it is accepted that eliminating this violence is key in achieving gender equality. However, corporal punishment – the most common form of violence against girls – is rarely included in the global challenge to all violence against women and girls. In fact, prohibition and elimination of corporal punishment and other cruel or degrading forms of punishment is fundamental in preventing violence against women and girls – both for direct prevention of violence against girls and as part of a broader strategy for eliminating other forms of violence.

Enormous numbers of girls experience painful and humiliating corporal punishment in states in all regions (see page 20), violating the rights of the girl child to freedom from violence, to life, to health, to development, to education and to participation. Research has shown that violence against girls results in “submission”, “scars on the body”, “timidity” and “death”.<sup>1</sup> In the US in 2006-2007, almost 50,000 girls were “paddled” (hit on the buttocks with a wooden paddle) in school.<sup>2</sup>

Although corporal punishment is experienced by both girls and boys and therefore is not a form of discrimination against girls in the most obvious sense, it is directly linked to other forms of gender-based violence, especially domestic violence against women:

- Corporal punishment is used to control and regulate girls’ behaviour much as intimate partner violence aims to control women’s behaviour;
- Childhood experience of corporal punishment for girls is often the beginning of a life of violent victimisation by authority figures and family members;
- The perpetrators of corporal punishment and domestic violence may be the same;
- Acceptance of certain kinds of violence in the home makes acceptance of other forms of violence more likely;
- Childhood experience of corporal punishment for boys may increase the likelihood of perpetrating violence against partners and children as adults.<sup>3</sup>

The similarity of the arguments used to justify corporal punishment and those sometimes used to excuse inaction on domestic violence – e.g. governments should not “interfere” in the “private” sphere of the home, “light” force against children or women does not count as “violence” – and the use of religious justifications for both kinds of violence further betray the links between them.

The Committee on the Elimination of Discrimination against Women has made it clear that the **Convention on the Elimination of All Forms of Discrimination against Women** requires that women are protected against violence of any kind in the family and elsewhere (General Recommendation No. 12, 1989) and that laws against family violence adequately protect all women (General Recommendation No. 19, 1992). It has recommended prohibition of corporal punishment of children to a number of states, including Botswana, Guinea, Guyana, Mauritania, Samoa, Sierra Leone, Slovakia, Timor-Leste, Tuvalu and the UK.

## Key Global Initiative resources

*Prohibiting and eliminating corporal punishment of girls – a key element in the global challenge to all violence against women and girls*



1 Ministère de la Famille et de la Solidarité National (2009), *Les Violences Faites aux Femmes au Bénin*, Observatoire de la Famille, de la Femme et de L’Enfant

2 Human Rights Watch & American Civil Liberties Union (2008), *A Violent Education: Corporal Punishment of Children in US Schools*, NY: Human Rights Watch

3 Contreras, M. et al (2012), *Bridges to Adulthood: Understanding the Lifelong Influence of Men’s Childhood Experiences of Violence, Analyzing Data from the International Men and Gender Equality Survey*, Washington DC: International Center for Research on Women & Rio de Janeiro: Instituto Promundo

# Corporal punishment of children with disabilities

As recognised by the report of the UN Secretary General's Study on Violence against Children, children with disabilities are especially vulnerable to violence from adults, in the home, at school and elsewhere. The reasons range from the reduced abilities of some children with disabilities to recognise danger, protect themselves or report their experiences, their dependence on others to provide care, and the disbelief they may encounter if they report violence.

As well as violating children's right to physical integrity, corporal punishment can also violate their rights to life, development, health, education and participation. Social acceptance of corporal punishment is linked to tolerance of violence in other areas, including violence against adults with disabilities.

Children with disabilities have been found to be particularly vulnerable to violent punishment. A 2012 meta-analysis of 17 studies, which included data from over 18,000 children, found that children with disabilities were 3.6 times more likely to be victims of physical violence, including "spanking", than other children.<sup>1</sup> Another study found that children with disabilities were significantly more likely to experience severe physical punishment than children without disabilities in seven of the 15 countries studied.<sup>2</sup> In the US, school students with disabilities are up to twice as likely as students without disabilities to be "paddled" (beaten with a wooden paddle).<sup>3</sup>

In some countries, children with disabilities experience extremely severe corporal punishment in institutional settings. Studies in Mexico and Serbia found that children with disabilities in psychiatric hospitals, institutions, care facilities and shelters were kept in permanent restraints, including being tied to chairs, tied up with bedsheets and kept in cribs.<sup>4</sup> Children with disabilities are vulnerable to physical violence in the guise of "aversion treatment" (such as electric shocks) to control their behaviour.<sup>5</sup>

Corporal punishment is the direct cause of many children's physical disabilities<sup>6</sup> and is a risk factor for mental health problems in childhood and adulthood.<sup>7</sup>



## Key Global Initiative resources

*Prohibiting and eliminating all corporal punishment of children with disabilities*

*Research linking corporal punishment and disability*



The **UN Convention on the Rights of Persons with Disabilities** states that children with disabilities have a right to enjoy human rights on an equal basis with other children (article 7) and that everyone has a right to life (article 10), to respect for their physical and mental integrity (article 17), to be free from exploitation, violence and abuse within and outside the home (article 16) and to be free from torture and cruel, inhuman or degrading treatment or punishment (article 15). The Preamble to the Convention recognises that children with disabilities should enjoy human rights on an equal basis with other children. The Committee on the Rights of Persons with Disabilities has already raised the issue of corporal punishment in its examinations of China and Tunisia.

- 1 Jones, L. et al (2012), "Prevalence and risk of violence against children with disabilities: a systematic review and meta-analysis of observational studies", *The Lancet*, 12 July 2012
- 2 UNICEF & University of Wisconsin (2008), *Monitoring Child Disability in Developing Countries: Results from the Multiple Indicator Cluster Surveys*
- 3 Human Rights Watch & American Civil Liberties Union (2009), *Impairing Education: Corporal Punishment of Students with Disabilities in US Public Schools*
- 4 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; Ahern, L. et al (2007), *Torment not Treatment: Serbia's Segregation and Abuse of Children and Adults with Disabilities*, Mental Disability Rights International
- 5 Committee on the Rights of the Child (2011), General Comment No. 13 on "The right of the child to freedom from all forms of violence"
- 6 Krug, E. G. et al (eds) (2002), *World Report on Violence and Health*, Geneva: World Health Organization
- 7 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

# Corporal punishment and the right to health

The Human Rights Council is to focus its full day meeting on children's rights in March 2013 on "The right of the child to the enjoyment of the highest attainable standard of health". The Global Initiative made a submission to the Office of the High Commissioner for Human Rights, preparing a detailed paper on the impact of corporal punishment on the realisation of the right to health. Corporal punishment violates this right through the direct physical harm it causes, its damaging short- and long-term effects on children's physical and mental health, and its effect on the child's cognitive and moral development.



**Physical harm:** Corporal punishment kills thousands of children each year, injures many more and is the direct cause of many children's physical impairments. Much violence commonly referred to as "child abuse" is, in fact, corporal punishment – adults using violent and humiliating methods to control children's behaviour. Even "mild" or "light" physical punishment carries an inbuilt risk of escalation: its intensity increases as its perceived effectiveness decreases.<sup>1</sup> A 2002 major meta-analysis of 88 studies on parental corporal punishment by Elizabeth Gershoff, associate professor in human development and family sciences at the University of Texas at Austin, found an association with physical "abuse" in all 10 studies on the topic.<sup>2</sup>

Corporal punishment may also affect children's physical health indirectly. Studies in China found that being physically punished increased the likelihood months later of children feeling that their health was poor, experiencing physical illnesses such as asthma, suffering injuries and accidents and being hospitalised; young people who had been physically punished were more likely to take up behaviours such as smoking, drinking alcohol and fighting with others.<sup>3</sup>

**Mental harm:** In Gershoff's analysis, all 12 studies on mental health in childhood concluded that corporal punishment is significantly associated with behaviour disorders, anxiety disorders, depression and hopelessness. All eight studies on mental health in adulthood found an association between corporal punishment and low self-esteem, depression, alcoholism, self-mutilation and suicidal tendencies. Later studies confirm the associations.<sup>4</sup>

**Impaired cognitive development:** Physical punishment has been shown to negatively affect children's cognitive development, with studies in the US revealing a correlation between being "spanked" and poor scores in mental development tests.<sup>5</sup> This may be due to the effect of early experiences of fear and stress on the developing brain.<sup>6</sup> Neuroimaging studies suggest that harsh physical punishment may reduce the volume of grey matter in areas of the brain associated with performance in intelligence tests.<sup>7</sup>

**Impaired moral development:** Gershoff's analysis found that corporal punishment negatively affects children's internalisation of moral values and relationship with their parents, and is associated with increased aggression as a child, adolescent and adult. It often coexists with other forms of family violence, including intimate partner violence.<sup>8</sup>

**Realising the right of the child to the enjoyment of the highest attainable standard of health is not possible when the law allows them to be hit and hurt under the guise of "discipline".**

## Key Global Initiative resources

*Corporal punishment and children's right to health* (GI submission to the OHCHR Study)

Research on negative effects of corporal punishment at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)



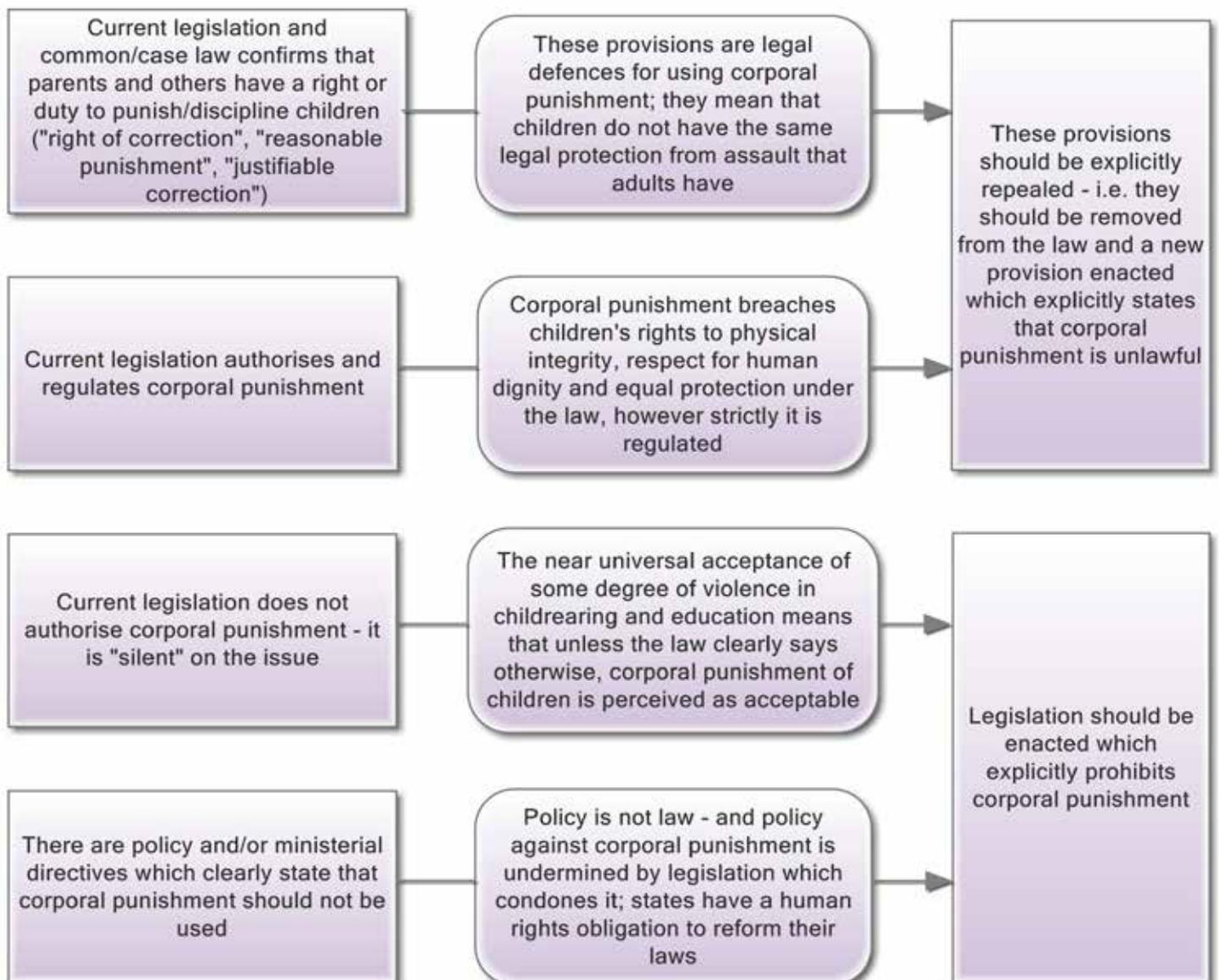
- 1 Elliman, D. & Lynch, M. (2000), "The physical punishment of children", *Archives of Disease in Childhood*, 83, 196–198
- 2 Gershoff, E. T. (2002), "Corporal punishment by parents and associated child behaviors and experiences: A meta-analytic and theoretical review", *Psychological Bulletin*, 128(4), 539-579
- 3 Lau, J. T. F. et al (1999), "Prevalence and correlates of physical abuse in Hong Kong Chinese adolescents: A population-based approach", *Child Abuse & Neglect*, 23, 549-557; Cheng, H. G. et al (2011), "Childhood physical punishment and the onset of drinking problems: Evidence from metropolitan China", *Drug and Alcohol Dependence*, 118, 31-39
- 4 Afifi, T. O. et al (2012), "Physical Punishment and Mental Disorders: Results From a Nationally Representative US Sample", *Pediatrics*, 2 July 2012
- 5 Berlin, L. J. et al (2009), "Correlates and Consequences of Spanking and Verbal Punishment for Low-Income White, African American, and Mexican American Toddlers", *Child Development* 80(5), 1403-1420; Straus, M. A. & Paschall, M. J. (2009), "Corporal Punishment by Mothers and Development of Children's Cognitive Ability: A Longitudinal Study of Two Nationally Representative Age Cohorts", *Journal of Aggression, Maltreatment & Trauma*, 18, 459-483
- 6 Fox, N. A. & Shonkoff, J. P. (2011), "How persistent fear and anxiety can affect young children's learning, behaviour and health", *Early Childhood Matters*, 116, The Hague: Bernard van Leer Foundation
- 7 Tomoda, A. et al (2009), "Reduced prefrontal cortical gray matter volume in young adults exposed to harsh corporal punishment", *Neuroimage*, 47, 66-71
- 8 Taylor, C. A. et al (2012), "Use of Spanking for 3-Year-Old Children and Associated Intimate Partner Aggression or Violence", *Pediatrics* 126(3), 415-424

# Understanding law reform

Law reform to prohibit corporal punishment means ensuring that children are legally protected from assault just as adults are – even when the assault is inflicted under the guise of “discipline” or “correction”. Corporal punishment must be prohibited in all settings of children’s lives, including the family home, schools, penal institutions, all care settings and as a sentence of the courts. Prohibition is achieved when:

- all defences and authorisations of corporal punishment are repealed, and
- legislation explicitly prohibits all corporal punishment and other cruel and degrading punishment.

## Prohibiting all corporal punishment of children



## Immediate opportunities for achieving law reform

Across the world there are immediate opportunities for states to fulfil their human rights obligations by using current processes of constitutional reform and harmonisation of laws with human rights standards to prohibit all corporal punishment of children in all settings of their lives, including the home. In many states, laws are being drafted and/or bills are before parliaments in which explicit prohibition could be included; in many states there is discussion on the consolidation of legislation relating to children and on how to ensure domestic legislation complies fully with the UN Convention on the Rights of the Child and other international and regional human rights instruments. In some states, draft legislation does include prohibition and the challenge is to ensure it is retained as the bill passes through parliament and becomes law. These opportunities should not be missed: immediate advocacy is needed to ensure that governments and parliaments adopt the necessary reforms.

Law reform is rarely easy. Achieving equal protection for children – so that they are legally protected from assault just as adults are – can be a struggle. It challenges deep rooted negative attitudes towards children as somehow not fully human and as needing to experience pain in order to learn and become full members of society, as well as the notion that corporal punishment is acceptable and even a duty in childrearing – views sometimes reflected in

religious beliefs. These beliefs have been enshrined in written legislation and case law condoning the use of corporal punishment. Laws have also been enacted protecting children from extreme cruelty and abuse, reinforcing the notion that corporal punishment is somehow distinct from such ill-treatment.

This situation is all the more reason to tackle the issue urgently. Choosing inaction over action reinforces a perception of children as second class citizens, whose fundamental rights can be ignored or evaded with impunity. And every delay exposes more and more children to the risk of being hurt, of having their human dignity violated, and of growing up to believe that violence is acceptable.

### Key Global Initiative resources

*Prohibiting corporal punishment of children – A guide to legal reform and other measures* (Legal Reform Handbook and accompanying online resources at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org))

*Prohibiting all corporal punishment of children: learning from states which have achieved law reform*



## Opportunities for enacting prohibition of corporal punishment

State	Draft law/Bill under discussion	Includes prohibition
Algeria	Child Protection Bill	?
Angola	Penal Code Bill	NO
Benin	Draft Children's Code	YES
Burkina Faso	Draft Child Protection Code	NO
Burundi	Bill on Judicial Protection of the Child	?
Cameroon	Draft Family Code	NO
Central African Republic	Draft Family Code	?
Chad	Draft Child Protection Code	?
Côte d'Ivoire	Draft Family Code	NO
DR Congo	Draft Family Code	?
Equatorial Guinea	Draft amendments to Civil Code	?
Guinea-Bissau	Draft Domestic Violence Law	?
Lesotho	Domestic Violence Bill	?
Malawi	Marriage, Divorce and Family Bill	?
Mauritius	Children's Bill	?
Morocco	Domestic Violence Bill	?
Mozambique	Draft Domestic Violence Law	?
Namibia	Child Care and Protection Bill	YES (care settings)

## Opportunities for enacting prohibition of corporal punishment

	State	Draft law/Bill under discussion	Includes prohibition
Africa <i>ctd</i>	Niger	Draft Children's and Family Codes	?
	Rwanda	Draft Child Protection Bill	YES
	Senegal	Draft Children's Code	?
	South Africa	Bill to amend Children Act (forthcoming)	YES (anticipated)
	Sudan	State level child bills	?
	Swaziland	Domestic Violence Bill	?
	Uganda	Children's Act (Amendment) Bill	YES
	Zambia	Constitution Bill	YES
	The Constitution and/or other laws are under review and/or laws are generally being harmonised with international human rights standards in: Algeria, Angola, Burkina Faso, Cameroon, Cape Verde, Chad, Comoros, Côte d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mauritius, Mozambique, Niger, Nigeria, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, Swaziland, Uganda, UR Tanzania and Zimbabwe.		
The Americas and Caribbean	Argentina	Draft Civil Code	YES
	Brazil	Bill to amend Code on Children and Adolescents	YES
	Cuba	Draft Family Code	YES (unconfirmed)
	Ecuador	Draft Law on Indigenous Justice	?
	Guatemala	Indigenous Jurisdiction Bill	?
	Guyana	Education Bill	?
	Haiti	Draft Children's and Family Codes	?
	Mexico	Draft Law on the Protection of the Rights of the Child	?
	Nicaragua	Family Code Bill	YES
	Panama	Draft Laws on Children's Rights and on Protection of the Family	?
	Paraguay	Bill to Prohibit Corporal Punishment	YES
	Peru	Draft Act Prohibiting Corporal Punishment and Humiliating Treatment of Children and Adolescents	YES
	Suriname	Draft Regulations for Day Care	?
	"Model family bills" drafted by the OECS in 2007 do not include prohibition but on review provide an opportunity to do so. They are under consideration in: Antigua and Barbuda and possibly Dominica, St Kitts and Nevis, St Lucia and St Vincent and the Grenadines. The Constitution and/or other laws are under review and/or laws are generally being harmonised with international human rights standards in: Antigua and Barbuda, Bahamas, Barbados, Dominican Republic, Ecuador, Grenada, Mexico and Paraguay.		
East Asia and Pacific	Cambodia	Draft Juvenile Justice Law	?
	Cook Islands	Education Bill / Family Law Bill	YES (schools) / ?
	Indonesia	Draft Criminal Code and Juvenile Justice Bill	?
	Mongolia	Draft amendments to Family Law	YES
	Palau	Family Protection Bill	?
	Papua New Guinea	Family Protection Bill	?
	Philippines	Bill on the Promotion of Positive Discipline in lieu of Corporal Punishment	YES
	Samoa	Family Safety Bill and Crimes Bill	?
	Timor-Leste	Draft Child Code	YES
	Viet Nam	Draft amendments to Law on the Protection, Care and Education of Children	YES (unconfirmed)
		The Constitution and/or other laws are under review and/or laws are generally being harmonised with international standards in: Cook Islands, Fiji, Indonesia, Malaysia, Mongolia, Myanmar, Papua New Guinea, Singapore, Solomon Islands and Tuvalu.	

## Opportunities for enacting prohibition of corporal punishment

	State	Draft law/Bill under discussion	Includes prohibition
Europe and Central Asia	Armenia	Draft amendments to Rights of the Child Act (forthcoming)	YES (anticipated)
	Azerbaijan	Draft Law on Protection of Children against All Forms of Corporal Punishment	YES
	Belarus	Draft amendments to Family Code	?
	Bosnia and Herzegovina	Draft Law on Social Protection and Law on Protection of Families with Children (forthcoming)	YES (anticipated)
	Czech Republic	Draft Civil Code	NO
	Estonia	Draft amendments to Child Protection Act	YES
	Ireland	Domestic Violence Bill	NO
	Italy	Bill Concerning Parental Responsibility	NO
	Kyrgyzstan	Draft amendments to child laws	?
	Lithuania	Child Protection Bill	YES
	Montenegro	Draft Law on Juvenile Delinquency	?
	Serbia	Draft Law on the Rights of the Child	YES
	Slovakia	Draft Family Code	?
	Tajikistan	Draft Domestic Violence Act and amendments to Family Law	?
	Uzbekistan	Draft amendments to Family Code	?
The Constitution and/or other laws are under review and/or laws are generally being harmonised with international human rights standards in: Armenia, Azerbaijan, Belarus, Ireland, Tajikistan and Turkey.			
Middle East	Iran	Bills on Juvenile Justice	NO
	Jordan	Draft Child Rights Bill	?
	Lebanon	Child Protection Bill	?
	Palestine	Draft amendments to Child Law	?
	Qatar	Children Bill	?
	Saudi Arabia	Draft Child Protection Law	?
	Syrian Arab Republic	Child Rights Bill	?
	United Arab Emirates	Draft Child Protection Law	?
	Yemen	Draft amendments to Juvenile Welfare Act and Children's Rights Law	?
The Constitution and/or other laws are under review and/or laws are generally being harmonised with international human rights standards in: Bahrain, Lebanon, Palestine, Qatar, Saudi Arabia, Syrian Arab Republic and Yemen.			
South Asia	Afghanistan	Draft Family Protection Law	?
	Bangladesh	Children Bill	YES (care institutions)
	Bhutan	Draft Rules under Child Care and Protection Act (forthcoming)	?
	India	Bill to amend Juvenile Justice Act	YES (unconfirmed)
	Maldives	Children Bill	?
	Nepal	Child Rights Bill	?
	Pakistan	Prohibition of Corporal Punishment Bill	YES
	Sri Lanka	Draft laws to prohibit corporal punishment (forthcoming)	YES (anticipated)

# Campaigning for law reform



*“The body heals. The soul doesn’t.”  
Campaign poster, Romania*

In all regions, organisations are actively campaigning for law reform to prohibit corporal punishment, including through:

- working with governments and parliaments to draft legislation and promote its adoption;
- increasing pressure on states by providing information on the situation in law and practice to regional and international human rights monitoring bodies – including UN and regional bodies and the Universal Periodic Review – and following up with governments on recommendations made by these bodies, and/or
- making corporal punishment visible through the use of research into the nature and prevalence of corporal punishment of children, public and professional attitudes towards it, and children’s own views and experiences.

Public education and awareness-raising on the negative effects of corporal punishment and the promotion of positive discipline are also being undertaken, most effectively when part of a comprehensive campaign aimed at law reform as well as behaviour change: attempting to change a behaviour that the law condones is a futile exercise.

These pages describe some – but not all – of the campaigns currently being undertaken at national level, both recently initiated and long-running. Many operate in the context of wider regional campaigns, such as those in Europe and South Asia described on page 5 and the Southern African Network to end corporal punishment ([www.rapcan.co.za/sanchpc](http://www.rapcan.co.za/sanchpc)). Others are associated with international campaigns such as Plan International’s “Learn Without Fear” campaign against violence in schools (<http://plan-international.org/learnwithoutfear>) and the campaign to end inhuman sentencing of child offenders to capital punishment, corporal punishment and life imprisonment led by the Child Rights International Network (CRIN, [www.crin.org/violence/campaigns/sentencing](http://www.crin.org/violence/campaigns/sentencing)).

## Africa

In **South Africa**, a coalition which includes RAPCAN ([www.rapcan.org.za](http://www.rapcan.org.za)), the Centre for Child Law and UNICEF South Africa is advocating for prohibition of corporal punishment in the home in the context of the review of the Children’s Act: proposals to include prohibition have been supported by the Department of Social Development. The **Uganda** Child Rights NGO Network is campaigning for prohibition, including around the Children’s Act (Amendment) Bill; and Raising Voices ([www.raisingvoices.org](http://www.raisingvoices.org)) and ANPPCAN Uganda are also working on the issue. The **Zambia** Civic Education Association ([www.zamcivic.com.zm](http://www.zamcivic.com.zm)) lobbies for prohibition of all corporal punishment, including in the home. The Legal Assistance Centre ([www.lac.org.na](http://www.lac.org.na)) in **Namibia** is supporting the Child Care and Protection Bill, which prohibits corporal punishment in alternative care settings.

## The Americas and Caribbean

In **Brazil**, Rede Não Bata, Eduque! ([www.naobataeduque.org.br](http://www.naobataeduque.org.br)) undertakes educational activities and advocates for law reform. In 2012 it supported the Bill which would prohibit all corporal punishment through participating in committee hearings and through

a media publicity campaign to spread the message that “an education without hitting works”.

In **Belize**, the National Organisation for the Prevention of Child Abuse and Neglect (NOPCAN, [nopcanbelize@yahoo.com](mailto:nopcanbelize@yahoo.com)) supports the Government in implementing the prohibition of corporal punishment in schools and is lobbying for prohibition in the home. In **Guyana**, Help and Shelter ([www.hands.org.gy](http://www.hands.org.gy)) is lobbying for prohibition of school corporal punishment, including around the Education Bill. RISE **St Lucia** ([www.risesaintlucia.com](http://www.risesaintlucia.com)) is advocating against corporal punishment of children, including through a 2012 question to the Minister of Education, a consultation on corporal punishment and use of the media. The organisation is part of the Road to Geneva Child Rights Research and Advocacy project team, which in 2012 published a shadow report to the Committee on the Rights of the Child and the results of a youth-led research project on children’s rights: both documents recommend prohibition of corporal punishment. The UNICEF **Eastern Caribbean** Area Multi Country Programme 2012-2016 includes plans for an Organisation of Eastern Caribbean States policy framework on school discipline that discourages the use of corporal punishment.

In **Canada**, the Repeal 43 Committee ([www.repeal43.org](http://www.repeal43.org)) lobbies for repeal of section 43 of the Criminal Code, which provides a legal defence for the use of “reasonable” corporal punishment. The **US Alliance to End the Hitting of Children** ([www.endhittingusa.org](http://www.endhittingusa.org)), formed in 2012, aims to bring together individuals, groups, and organisations to call for and work towards ending corporal punishment in schools and homes.

### East Asia and Pacific

The Campaign for Ending Violence Against Children **Japan** ([contact@kodomosukoyaka.net](mailto:contact@kodomosukoyaka.net)) advocates for prohibition of all corporal punishment, including through a 2012 submission to the Universal Periodic Review and during a visit of the UN Special Representative of the Secretary General on Violence against Children to Japan. Save the Children **Korea** ([www.sc.or.kr](http://www.sc.or.kr)) is promoting the prohibition and elimination of corporal punishment and is researching physical and other humiliating punishment of children in alternative care and day care. In **Indonesia**, Save the Children campaigns for a ban on corporal punishment, focussing on institutional care of children.

### Europe and Central Asia

In **Azerbaijan**, the NGO Alliance for Children’s Rights and the NGO Reliable Future Youth are promoting the development and adoption of the draft Law on Protection of Children against All Forms of Corporal Punishment. Save the Children **Italy** ([www.savethechildren.it](http://www.savethechildren.it)) launched its “A Mani Ferme” (“Hands Still”) campaign calling for prohibition of all corporal punishment in March 2012; it also coordinates the “Educate, do not punish” project which aims to eliminate physical and other humiliating punishment and is being implemented by Save the Children in **Lithuania**, **Romania** and **Sweden**. Also in **Lithuania**, the Human Rights Monitoring Institute ([www.hrmi.lt](http://www.hrmi.lt)) is campaigning for prohibition of all corporal punishment, including through submissions to the Committee on the Rights of the Child and the Human Rights Committee around the Child Protection Bill. In **France**, OVEO ([www.oveo.org](http://www.oveo.org) – Observatory of Common Violence in Upbringing) advocates for prohibition of all corporal punishment. In **Turkey**, the International Children’s Center ([www.cocukhaklariizleme.org](http://www.cocukhaklariizleme.org)) and partners are undertaking a project on corporal punishment in the home which includes the development of a policy note to parliamentarians calling for repeal of the legal defence for corporal punishment, a survey of children’s experiences and a video on corporal punishment shown on television; the Ankara Child Rights Platform is also working on the issue and in 2012 submitted a policy note to the Turkish Parliament calling for the new Constitution to prohibit corporal punishment.

### Middle East

In **Lebanon**, Save the Children works in partnership with civil society organisations campaigning for legal reform to prohibit all physical punishment and conducting awareness raising on child protection and teacher training. In **Yemen**, the Shawtab Foundation ([www.svc-ye.org](http://www.svc-ye.org)), supported by Save the Children, campaigns against corporal punishment in schools and care settings, including through awareness-raising activities and teacher training.

### South Asia

In **Pakistan**, the Society for the Protection of the Rights of the Child ([www.sparkpk.org](http://www.sparkpk.org)) and partners campaign for legal reform to prohibit all corporal punishment, including in the home. The Society for Empowering Human Resource ([www.seher.org.pk](http://www.seher.org.pk)) campaigns against corporal punishment of children in Balochistan and in 2012 is promoting a bill which would prohibit corporal punishment in schools and alternative care settings. In **Sri Lanka** in 2012 the Child Rights Advocacy Network formed a Working Committee on Abolishing Corporal Punishment which will carry out advocacy campaigns.

### National human rights institutions

National human rights institutions (NHRIs) – independent bodies which promote and monitor the fulfilment of human rights on a national level – have a particular responsibility to take action on corporal punishment. Around the world, NHRIs are highlighting to governments their obligation to prohibit and eliminate all corporal punishment of children. For example, campaigning for prohibition is currently being carried out by the Ombudsman for Children in **Estonia**, the Ombudsperson for Children’s Office in **Mauritius** and the National Commission for Protection of Child Rights in **India**. In **Azerbaijan**, the Commissioner for Human Rights (Ombudsman) and UNICEF are co-operating to prepare, present to Parliament and lobby for the draft Law on Protection of Children against All Forms of Corporal Punishment. In **Peru**, the Ombudsman is campaigning for prohibition of all corporal punishment and supporting the draft Act Prohibiting Corporal Punishment and Humiliating Treatment of Children and Adolescents and proposing amendments to the Code for Children and Adolescents.

### Key Global Initiative resources

*Ending corporal punishment and other cruel and degrading punishment of children through law reform and social change*  
(Campaigns Manual)



# Researching corporal punishment

## Why research corporal punishment?

Children have an absolute right to protection from all corporal punishment, now. It is unnecessary to collect data about their experiences in order to promote this right: there is no need to wait for research to be conducted before beginning to campaign for law reform. However, when correctly designed and used, research can play an important part in promoting children's right to protection in law and practice. The results of research can help raise awareness about the reality of corporal punishment, counter myths and add weight to arguments for law reform. Once law reform is achieved, research can provide a baseline for evaluating the measures taken to eliminate corporal punishment in practice.

**The purpose of research into the nature and prevalence of and attitudes towards corporal punishment of children is to inform and fuel advocacy for prohibition and its implementation.** For example, new research on the prevalence of corporal punishment of children was used to launch Save the Children Italy's "A Mani Ferme"



*Youth training on alternatives to corporal punishment, St Lucia*



*"A smack never ends. It hurts your child. And you."  
Campaign poster, Italy*

("Hands Still") campaign (see page 18). The research showed that many children and parents believed that corporal punishment has negative effects on children and that parents feel bad after inflicting it, but also showed an increase in corporal punishment of some age groups compared with similar research in 2009.<sup>1</sup> 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, and in raising awareness about the prohibition. In 2004, the organisation published research on the prevalence of and children's opinions about corporal punishment which was used for advocacy; it continues to conduct research to monitor implementation of prohibition. A 2009 study found that 86.6% of respondents knew about prohibition and 64.4% agreed with it.<sup>2</sup> Further surveys are planned for 2014 and 2019.

A recent meta-analysis of 17 studies funded by the **World Health Organization Department of Violence and Injury Prevention and Disability** found that children with disabilities were 3.6 times more likely to experience physical violence, including corporal punishment, than children without disabilities; it is being used to encourage disability rights advocates to include the issue in their campaigns.<sup>3</sup>

1 Ipsos Public Affairs (2012), *I metodi educative e il ricorso a punizioni fisiche*, Save the Children Italy

2 Consejo Nacional de La Niñez y la Adolescencia & Pani (2009), *Estudio de Conocimientos, Actitudes y Prácticas en materia de Patrones de Crianza en Costa Rica: Informe Técnico De La Encuesta Nacional Sobre Patrones De Crianza*

3 Jones, L. et al (2012), "Prevalence and risk of violence against children with disabilities: a systematic review and meta-analysis of observational studies", *The Lancet*, 12 July 2012

## What research tells us about corporal punishment

### ... in the home

A UNICEF study in more than 30 countries found that on average 75% of children experienced violent “discipline” (physical punishment and/or psychological aggression) in the home in 2005-2006. The next round of UNICEF statistics, relating to 2010-2011, shows that the figures remain very high, for example 67% in **Serbia**, 74% in **Viet Nam**, 83% in **Nepal** and 90% in **Gambia**.<sup>4</sup> In a 2012 survey of nearly 800 adults in **Ireland**, 49% thought it acceptable to slap a child under some circumstances and 49% said they had done so.<sup>5</sup> A study in **Burkina Faso**, **Cameroon**, **DR Congo**, **Nigeria** and **Senegal** found that hitting, beating and forced hard work were the most widespread forms of violence against girls and that most of the physical violence experienced by girls was corporal punishment.<sup>6</sup>

### ... at school

In a 2011 survey of 1,430 student teachers in the **Republic of Korea** nearly half of primary student teachers and 58% of secondary student teachers agreed it was acceptable to inflict corporal punishment using a paddle.<sup>7</sup> In the same year, a study of 481 high school students found that 94.6% had experienced corporal punishment, including being “spanked”, struck on the cheek and punched.<sup>8</sup> Surveys of primary school children in **Uganda** in 2011 found that 81% had been beaten at school and 82% made to do hard work such as digging, cleaning pit latrines and collecting water, usually as a punishment.<sup>9</sup> In the **US**, children with disabilities are more likely to experience corporal punishment in school than children without disabilities – for example, in North Carolina in 2010-2011, 12% of students had disabilities, but 22% of students who experienced corporal punishment had disabilities.<sup>10</sup>



### ... in care settings

The 2010 and 2011 reports of the Public Defender of **Georgia** on the monitoring of residential childcare institutions documented corporal punishment in large residential institutions and small group homes, including children having their ears pulled, being beaten with a stick and being shaken.<sup>11</sup> A 2012 BBC Arabic investigation uncovered violence, including beatings, insults and swearing, against children with mental and physical disabilities in private children’s homes in **Jordan**.<sup>12</sup> A 2012 report by Human Rights Watch documented beatings, denial of food, chaining and other violations of the rights of children and adults with mental disabilities in psychiatric hospitals and prayer camps (privately owned Christian institutions which seek to heal persons with mental disabilities through prayer and traditional methods) in **Ghana**.<sup>13</sup>

### ... in the justice system

In a 2010 study in **Paraguay**, based on interviews with 350 juvenile detainees, 35.8% said they had experienced violence from officials in the penal system.<sup>14</sup> In 2009, the UN Special Rapporteur on torture visited **Kazakhstan** and concluded that beatings of children were common in police custody, in prisons and in a “centre for temporary isolation, adaptation and rehabilitation of juveniles” which housed children temporarily in need of protection.<sup>15</sup> In **Malaysia**, the number of sentences of whipping on under 18s in the past 10 years is said to be 50 (31 under secular law and 19 under Islamic law).<sup>16</sup>

4 Statistical Office of the Republic of Serbia (2011), *Republic of Serbia Multiple Indicator Cluster Survey 2011, Final Report*, Belgrade: Statistical Office of the Republic of Serbia; General Statistical Office (2011), *Viet Nam Multiple Indicator Cluster Survey 2011, Final Report*, Ha Noi: General Statistical Office; Central Bureau of Statistics (2012), *Nepal Multiple Indicator Cluster Survey 2010, Mid- and Far Western Regions, Final Report*, Kathmandu: Central Bureau of Statistics & UNICEF Nepal; The Gambia Bureau of Statistics (2011), *The Gambia Multiple Indicator Cluster Survey 2010, Final Report*, Banjul: UNICEF

5 Reported in *IrishCentral*, 31 July 2012

6 The African Child Policy Forum (2010), *Childhood Scars in Africa: A Retrospective Study on Violence Against Girls in Burkina Faso, Cameroon, Democratic Republic of the Congo, Nigeria and Senegal*, Addis Ababa: The African Child Policy Forum

7 Save the Children Korea (2011), *Incorporating Children’s Rights Education into the Teacher Training Curriculum of South Korea: A study on the teacher education curriculum, student-teachers’ awareness of children’s rights, and development of a children’s rights education course*

8 Reported in *Asian Correspondent*, 18 July 2012

9 ANPPCAN Uganda (2011), *Baseline Survey to Assess Violence against Children in Arua, Apac, Kitgum, Mukono and Rakai Districts: Final Report*

10 Human Rights Watch (2012), *Human Rights for Women and Children with Disabilities*, NY: Human Rights Watch

11 Public Defender of Georgia (2012), *Report on the Monitoring of Residential Childcare Institutions for 2011*, Council of Europe & Public Defender of Georgia

12 Reported in *The Guardian*, 16 May 2012

13 Human Rights Watch (2012), *“Like a Death Sentence”: Abuses against Persons with Mental Disabilities in Ghana*, NY: Human Rights Watch

14 Defensa de Niñas y Niños Internacional Sección Paraguay (2012), *Situación de la Justicia Juvenil en Paraguay*, Asunción: DNI Paraguay

15 O’Donnell, D. (2012), *Juvenile Justice In Central Asia: Reform Achievements and Challenges In Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan*, UNICEF Regional Office for Central and Eastern Europe/Commonwealth of Independent States

16 Global Initiative questionnaire survey response from the Prison Department of Malaysia, 27 April 2012

## Involving children in research

Children's perspectives on corporal punishment can differ from adults' in crucial ways; they can shed new light on issues and be a powerful tool for campaigning. Only children can say how violence feels and what it means to them; interview research with children and parents/carers, with the necessary safeguards, is the only way to gain accurate information on the reality of corporal punishment in the home.

Research with children on corporal punishment has been conducted in all regions. For example:

- a study in 2009-2010 in **India** revealed that school corporal punishment was a near-universal experience – 99.86% of the children involved had experienced physical or verbal punishment. More than 6,600 children aged 3-17 in seven states took part in the study on their way to or from school. The researchers used illustrations of different punishments to talk to children about their experiences.<sup>17</sup>
- a large-scale regional study in **Southeast Asia and the Pacific** in 2005, involving over 3,000 children and 1,000 adults, examined the nature and prevalence of physical and emotional punishment experienced by the children, the circumstances in which they were punished and their thoughts and feelings about it. The findings made visible the severity of corporal punishment of children – punishments included being electrocuted, having their heads submerged in water and having adults stomp on their stomachs. Various research tools were used, including diaries, drawings and body maps. Children were involved in deciding on the research questions and on how the research should be conducted.<sup>18</sup>

### States with little or no research

Inquiries by the Global Initiative suggest that in 60 states little or no research into corporal punishment of children has been carried out in the past 10 years: Andorra, Angola, Antigua and Barbuda, Bahrain, Belgium, Bhutan, Botswana, Brunei Darussalam, Burundi, Cape Verde, Chad, Comoros, Congo (Republic of), Cook Islands, Cuba, Cyprus, Dominica, El Salvador, Eritrea, Gabon, Greece, Grenada, Guatemala, Guinea, Honduras, Hungary, Iran, Kuwait, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malta, Marshall Islands, Mauritania, Mauritius, Monaco, Nauru, Netherlands, Nicaragua, Niger, Niue, Palau, Panama, Papua New Guinea, Portugal, Qatar, Russian Federation, Samoa, San Marino, Sao Tome and Principe, Seychelles, Slovenia, South Sudan, St Kitts and Nevis, Turkmenistan, Tuvalu, Uzbekistan and Western Sahara.

Please let us know if you are aware of relevant research in these states (email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)).

*"When I grow up and have children I won't use corporal punishment on my kids. Beating a child makes the child feel worthless and unloved. You must show a child love."*

(Child in Namibia, quoted in *Corporal Punishment: National and International Perspectives* (2010), Legal Assistance Centre)

*"We don't like it when we are tortured by our teacher with her stick."*

(Girl in Afghanistan, quoted in *Learning without Fear: A Violence Free School Project* (2011), Save the Children & Federal Republic of Germany Foreign Office)

*"We are treated especially badly when [caregiver] gets angry; she cannot get along with the children and hits them. [Another caregiver] punishes children by refusing to give them clothes."*

(Child living in a children's home in Georgia, quoted in *Report on the Monitoring of Residential Childcare Institutions for 2011* (2012), Council of Europe & Public Defender of Georgia)



### Key Global Initiative resources

*A guide to researching the prevalence of and attitudes towards corporal punishment of children (forthcoming)*

Summaries of relevant research at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)



<sup>17</sup> National Commission for Protection of Children's Rights (2012), *Eliminating Corporal Punishment in Schools*, New Delhi: NCPDR

<sup>18</sup> 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

# Growing support among faith groups – Caribbean case study

All over the world there is growing support among religious communities for the prohibition and elimination of corporal punishment of children. The participation of high level religious leaders in the Caribbean regional follow up meeting to the UN Secretary General's Study on Violence against Children in Kingston, Jamaica, in May 2012 (see page 5), demonstrates the huge contribution that religious leaders can make in efforts to challenge the legality and practice of this form of violence against children when they work in solidarity with other prominent individuals.

As a mark of their commitment, Christian leaders from Aruba, Guyana, Jamaica and the Cayman Islands issued a signed statement of support for legislation to end corporal punishment of children:

*"We believe that the adoption of legislation to prohibit corporal punishment of children in all settings is a crucial step towards a compassionate, non-violent society. We support the aims of the Global Initiative to End All Corporal Punishment of Children.*

*"Corporal punishment of children has for too long been a common part of our tradition and culture. But physical punishment as a form of discipline is incompatible with the core religious values of respect for human dignity, justice and non-violence and evidence of the harm it causes both in the short and long-term is well documented.*

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

*"The word 'discipline' is for many people synonymous with physical punishment. But the word comes from the same root as 'disciple'. Positive non-violent discipline is about guiding children and teaching by adult example. It is based on empathy, compassion and an understanding of how children develop. Positive discipline is both respectful and kind and it is the best way to promote self-discipline.*

*"People often express concern that banning corporal punishment will mean that many good and loving parents will face prosecution for 'light' physical chastisement. But as in other countries where children enjoy equal protection under the law, parents will not be charged and prosecuted unless doing so is necessary to protect the child from significant harm. We want to emphasise that law reform should go hand in hand with support for parents, widespread education and the promotion of positive discipline.*

*"Through working with others and honouring children's human right to equal protection under the law, we can put our faith into action and make significant progress towards a less violent society."*

*"In the administration of corporal punishment there is a coming together of authority, force and violence in a relationship between parties who are not equal and which leaves one party with physical and emotional pain and scars. It has long been recognised that in a civilised society no one should have such control over the life of another, without being subject to public scrutiny by the relevant authorities – not even parents.*

*"So no longer is it possible for parents to assert, as they did in times past, that 'it is my child and I can do what I want', neither can the agents of the state operate as if they have absolute control and are above accountability to the public they exist to serve. Today, there are universally recognised rights of the child, and institutions have been established to enforce the same."*

(Bishop Howard Gregory, Bishop of Jamaica and the Cayman Islands, writing in the *Jamaica Observer*, 11 March 2012)

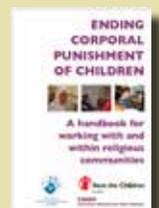
As leaders of worship, teachers, theologians and community activists, religious leaders have unique opportunities to speak out against corporal punishment and to work with others to mobilise campaigns for legal reform. Increasingly they are challenging those who use their religious faith and scriptures to justify physical punishment of children. By promoting respect for the child and putting into action universal values of compassion, love, non-violence, justice and equality, they can lead by example and help transform children's lives.

## Key Global Initiative resources

*Ending corporal punishment of children: A handbook for working with and within religious communities*

*Ending corporal punishment of children: Resources for worship and gatherings (forthcoming)*

Website of the Churches' Network for Non-violence, [www.churchesfornon-violence.org](http://www.churchesfornon-violence.org)



# From prohibition to elimination

Prohibition of corporal punishment and all other cruel or degrading forms of punishment in all settings sends a clear message that children have as much right to protection from assault as adults and provides a firm foundation for legal and other measures to protect children from all forms of violence. But implementation of the law is not only about responding to adults who inflict corporal punishment on children – it is also about transforming attitudes and practice so that corporal punishment is no longer perceived as a legitimate aspect of childrearing and education, with the aim of eliminating corporal punishment altogether.



*“Touch them”. Campaign poster, South Africa*

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

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

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

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

## **Planning for change**

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

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

## **Key Global Initiative resources**

*Resources for eliminating corporal punishment in schools*



# Legality of corporal punishment:

## state by state analysis (November 2012)

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 33 states have prohibited corporal punishment in all settings, including the home: **Albania** (2010); **Austria** (1989); **Bulgaria** (2000); **Congo, Republic of** (2010); **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).

### Corporal punishment unlawful by Supreme Court ruling

In the following states, Supreme Court rulings have declared corporal punishment to be unlawful in all settings, including the home, but these are not yet reflected in legislation: **Italy** (1995); **Nepal** (2005). Nepal is committed to law reform; Italy is yet to make a public commitment to enacting prohibition.

### 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>	✗
<b>Brazil</b> <sup>8</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; Government accepted UPR recommendation to prohibit corporal punishment (2009)

4 Unlawful under 2011 Supreme Court ruling, not yet confirmed in legislation

5 Commitment as for Afghanistan; 2011 Child Care and Protection Act prohibits only corporal punishment of some severity

6 Code of Conduct and ministerial directives state corporal punishment should not be used but law prohibits only corporal punishment of some severity

7 Possibly prohibited in Child Care and Protection Act

8 In July 2010, President Luiz Inacio Lula da Silva, before leaving office, submitted a bill to Congress which would prohibit in all settings; bill which would prohibit in all settings under discussion (2012)

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Czech Republic <sup>9</sup>	✗	✓ <sup>10</sup>	✓	✓ <sup>11</sup>	SOME <sup>12</sup>
Estonia <sup>13</sup>	✗	✓ <sup>14</sup>	✓	✓ <sup>15</sup>	✗
India <sup>16</sup>	✗	SOME <sup>17</sup>	SOME <sup>18</sup>	SOME <sup>19</sup>	SOME <sup>20</sup>
Lithuania <sup>21</sup>	✗	✓ <sup>22</sup>	✓	✓ <sup>23</sup>	✗
Maldives <sup>24</sup>	✗	✗ <sup>25</sup>	✗	✗	✗
Pakistan <sup>26</sup>	✗	✗ <sup>27</sup>	SOME <sup>28</sup>	SOME <sup>29</sup>	✗ <sup>30</sup>
Peru <sup>31</sup>	✗	✓ <sup>32</sup>	✓	✗	✗
Serbia <sup>33</sup>	✗	✓	✓	✓	SOME <sup>34</sup>
Slovakia <sup>35</sup>	✗ <sup>36</sup>	✓	✓	✓	✓
Slovenia <sup>37</sup>	✗	✓	✓	✓ <sup>38</sup>	SOME <sup>39</sup>
Sri Lanka <sup>40</sup>	✗	✗ <sup>41</sup>	✓	SOME <sup>42</sup>	✗ <sup>43</sup>
Taiwan <sup>44</sup>	✗	✓	✓	✓	✗ <sup>45</sup>
Thailand <sup>46</sup>	✗	✓	✓ <sup>47</sup>	✓ <sup>48</sup>	✗

9 Government committed to prohibition (2007)

10 But no explicit prohibition

11 But no explicit prohibition

12 Unlawful in institutions; lawful in non-institutional forms of care

13 Government committed to prohibition; Government accepted UPR recommendation to prohibit corporal punishment (2011); legislation which would prohibit being drafted (2011)

14 But no explicit prohibition

15 But no explicit prohibition

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

17 Prohibited for children aged 6-14; not prohibited in Jammu and Kashmir

18 Prohibited in state laws but used in traditional justice systems

19 Prohibited in 2007 Juvenile Justice (Care and Protection of Children) Rules except in Jammu and Kashmir

20 Prohibited in care institutions in 2007 Juvenile Justice (Care and Protection of Children) Rules except in Jammu and Kashmir; lawful in non-institutional care

21 Government stated intention to prohibit during January 2006 examination by Committee on the Rights of the Child; Government accepted UPR recommendation to prohibit corporal punishment in the home (2011); draft legislation under discussion (2012)

22 But no explicit prohibition

23 But no explicit prohibition

24 Commitment as for Afghanistan but draft Penal Code would include justification for use of force by parents, teachers and others for punishment of misconduct and authorise judicial corporal punishment

25 Ministry of Education advises against corporal punishment but no explicit prohibition in legislation; legislation which would prohibit under discussion (2011)

26 Commitment as for Afghanistan

27 Prohibited for 5-16 year olds in 2012 Right to Free and Compulsory Education Act for Islamabad Capital Territory

28 Prohibited in 2000 Juvenile Justice System Ordinance but this not applicable in all areas

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

30 Legislation which would prohibit under discussion (2011)

31 Congress pledged all party support for prohibition (2007); Government accepted UPR recommendation to prohibit corporal punishment in all settings (2012); draft legislation which would prohibit under discussion (2012)

32 But no explicit prohibition

33 Government committed to prohibition (2007); Government accepted UPR recommendation to prohibit corporal punishment in the home (2008)

34 Prohibited in day care which forms part of the education system, including nurseries, kindergartens, preschools, after school care, workshops and additional education activities

35 Government committed to prohibition (2005); Government accepted UPR recommendation to prohibit corporal punishment in all settings (2009)

36 Law reform in 2009 prohibited only corporal punishment of some severity

37 Government stated intention to explicitly prohibit in the home during 2004 drafting of domestic violence law; Government accepted UPR recommendation to prohibit corporal punishment (2010); Family Law Bill which would have achieved prohibition rejected by referendum (2012)

38 But no explicit prohibition

39 Prohibited in educational day care centres and residential schools

40 Commitment as for Afghanistan

41 Ministerial circular states corporal punishment should not be used but no prohibition in law; legislation to prohibit being drafted (2011)

42 Prohibited in prisons, lawful in other penal institutions; legislation to prohibit being drafted (2011)

43 Legislation to prohibit in children's homes being drafted (2011)

44 Government committed to prohibition (2005)

45 But law prohibiting in schools possibly applies to day care centres and cram schools

46 Commitment to prohibition in all settings made in response to UPR recommendations (2012)

47 But some legislation not amended (2010)

48 See note on sentence

## States not yet 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	
Algeria <sup>49</sup>	✗	✓	✓	✗	✗
Andorra <sup>50</sup>	✗	✓ <sup>51</sup>	✓	✓ <sup>52</sup>	SOME <sup>53</sup>
Angola	✗ <sup>54</sup>	✗ <sup>55</sup>	✓	✗	✗ <sup>56</sup>
Antigua & Barbuda	✗	✗	✗	✗	✗
Argentina <sup>57</sup>	✗	✓ <sup>58</sup>	✓	✓	✗
Armenia <sup>59</sup>	✗	✓	✓	✓ <sup>60</sup>	SOME <sup>61</sup>
Australia	✗ <sup>62</sup>	SOME <sup>63</sup>	✓	SOME <sup>64</sup>	SOME <sup>65</sup>
Azerbaijan <sup>66</sup>	✗	✓	✓	✓ <sup>67</sup>	✗
Bahamas	✗	✗	[✗] <sup>68</sup>	[✓] <sup>69</sup>	SOME <sup>70</sup>
Bahrain	✗	✓	✓	✗	✗
Barbados	✗	✗	✗	✗	[SOME] <sup>71</sup>
Belarus <sup>72</sup>	✗	✓ <sup>73</sup>	✓	✓ <sup>74</sup>	✗
Belgium	✗	✓ <sup>75</sup>	✓	✓	SOME <sup>76</sup>
Belize <sup>77</sup>	✗	✓	✓	SOME <sup>78</sup>	SOME <sup>79</sup>
Benin <sup>80</sup>	✗	✗ <sup>81</sup>	✓	✗	✗
Bolivia <sup>82</sup>	✗	✓	SOME <sup>83</sup>	✗	✗
Bosnia & Herzegovina	SOME <sup>84</sup>	✓	✓	✓	SOME <sup>85</sup>
Botswana	✗	✗	✗	✗	✗
Brunei Darussalam <sup>86</sup>	✗	[✗]	✗	✗	✗

49 Government accepted UPR recommendation to prohibit corporal punishment in all settings (2012)

50 Government accepted UPR recommendation to prohibit corporal punishment in all settings (2010)

51 But no explicit prohibition

52 But no explicit prohibition

53 Prohibited in La Gavernera children's centre; lawful in other care settings

54 Corporal punishment of some severity unlawful under 2010 Domestic Violence Act but no explicit prohibition of all corporal punishment

55 See note on home

56 See note on home

57 Draft legislation which would prohibit under discussion (2012)

58 But no explicit prohibition

59 Government accepted UPR recommendation to prohibit corporal punishment (2010)

60 But no explicit prohibition

61 Unlawful in care institutions under 1996 Rights of the Child Act, but possibly no explicit prohibition

62 In 2003, Law Reform Institute in Tasmania recommended abolition of reasonable correction defence from criminal and civil law but reform has not been 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

63 Prohibited in all states and territories except Queensland and Western Australia

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

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

66 Government accepted UPR recommendation to prohibit all forms of corporal punishment (2009); draft legislation which would prohibit under discussion (2011)

67 But possibly no explicit prohibition

68 Judicial corporal punishment prohibited in 1984 but reintroduced in 1991; not prohibited in 2006 Child Protection Act

69 But some legislation still to be repealed

70 Prohibited in residential institutions, lawful in other forms of care

71 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; lawful in private foster care

72 Government accepted UPR recommendation to prohibit corporal punishment (2010)

73 But possibly no explicit prohibition

74 But no explicit prohibition

75 But no explicit prohibition

76 Prohibited in institutions in some communities; not prohibited in non-institutional childcare

77 Government accepted UPR recommendation to prohibit all forms of corporal punishment (2009)

78 Prohibited in "Youth Hostel" detention centre but lawful in other penal institutions

79 Prohibited in residential care facilities and in day care centres

80 Government accepted UPR recommendation to prohibit corporal punishment in all settings (2012); draft legislation which would prohibit under discussion (2012)

81 Government circular advises against corporal punishment in formal education but no prohibition in law

82 Government accepted UPR recommendation to prohibit all forms of corporal punishment in all settings (2010); current legislation prohibits only corporal punishment which is considered to be harmful

83 Prohibited in state laws but lawful in indigenous and tribal justice systems

84 Prohibited in Republic of Srpska

85 Prohibited in Republic of Srpska

86 Government accepted UPR recommendation to prohibit corporal punishment in the home and schools (2009)

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Burkina Faso	✗	SOME <sup>87</sup>	✓	[✓] <sup>88</sup>	SOME <sup>89</sup>
Burundi	✗	[✓]	✓	✗	✗
Cambodia	✗	✓	✓	✓	✗ <sup>90</sup>
Cameroon	✗	[✓]	✓	[✓]	✗
Canada	✗ <sup>91</sup>	✓ <sup>92</sup>	✓	✓ <sup>93</sup>	SOME <sup>94</sup>
Cape Verde <sup>95</sup>	✗	✓	✓	✓	SOME <sup>96</sup>
Central African Republic	✗	✗	✓	✗	✗
Chad <sup>97</sup>	✗	✓	✓	✗	✗
Chile	✗	✗ <sup>98</sup>	✓	✓	✗
China	✗ <sup>99</sup>	✓	✓	✓	✗
Colombia	✗ <sup>100</sup>	[✓] <sup>101</sup>	SOME <sup>102</sup>	[✓] <sup>103</sup>	✗
Comoros <sup>104</sup>	✗	✗	[✓] <sup>105</sup>	✗	✗
Cook Islands	✗	✗ <sup>106</sup>	✓	✗	✗
Côte d'Ivoire	✗	✗ <sup>107</sup>	✓	✓ <sup>108</sup>	✗
Cuba	✗	[✓]	✓	✓	[SOME] <sup>109</sup>
Djibouti	✗	[✓]	✓	✗	✗
Dominica	✗	✗	✗	✗	SOME <sup>110</sup>
Dominican Republic <sup>111</sup>	✗	✓	✓	✓	✗
DPR Korea	✗	[✗] <sup>112</sup>	[✓]	[✓]	✗
DR Congo	✗	✓	✓	✗	✗
Ecuador <sup>113</sup>	✗	✓	SOME <sup>114</sup>	✓	✗
Egypt	✗	[✗] <sup>115</sup>	✓	[✓] <sup>116</sup>	✗

87 Prohibited in primary schools

88 But no explicit prohibition and law permits use of force "in case of apathy following orders"

89 Prohibited in education settings but no explicit prohibition in other institutions and forms of care

90 Minimum standards state corporal punishment should not be used, but no prohibition in legislation

91 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

92 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

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

94 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

95 Government accepted UPR recommendation to prohibit corporal punishment (2008)

96 Prohibited in public and private institutions but not prohibited in non-institutional forms of care

97 Government accepted UPR recommendation to prohibit corporal punishment (2009)

98 Legislation prohibits only corporal punishment resulting in injury

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

100 Law prohibits violence in childrearing but does not explicitly prohibit all corporal punishment

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

102 Prohibited in laws of the Republic, lawful in indigenous communities

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

104 Government accepted UPR recommendation to prohibit corporal punishment in the home and schools (2009)

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

106 Bill which would prohibit under discussion (2012)

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

108 But no explicit prohibition

109 Possibly prohibited in care institutions

110 Prohibited in early childhood education facilities

111 Government accepted UPR recommendation to prohibit corporal punishment in all settings (2009)

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

113 Government accepted UPR recommendation to prohibit corporal punishment in all settings (2012)

114 Prohibited in state law but permitted in indigenous communities

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

116 Possibly permitted in social welfare institutions

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
El Salvador <sup>117</sup>	✗	✓	✓	✓	✗
Equatorial Guinea	✗	✗	✓	✗	✗
Eritrea	✗	[✗] <sup>118</sup>	[✗]	[✗]	✗
Ethiopia	✗	✓	✓	✓	SOME <sup>119</sup>
Fiji	✗	✓ <sup>120</sup>	✓	✓	✗
France	✗	✓ <sup>121</sup>	✓	✓ <sup>122</sup>	✗
Gabon	✗	✗ <sup>123</sup>	✓	✓	✗
Gambia	✗	✗	✓	✗	✗
Georgia	✗	✓ <sup>124</sup>	✓	✓ <sup>125</sup>	[SOME] <sup>126</sup>
Ghana <sup>127</sup>	✗	✗ <sup>128</sup>	✓	SOME <sup>129</sup>	✗
Grenada	✗	✗	✗ <sup>130</sup>	✗	SOME <sup>131</sup>
Guatemala <sup>132</sup>	✗	✗ <sup>133</sup>	SOME <sup>134</sup>	✓	✗
Guinea	✗	✗ <sup>135</sup>	✓	[✗]	✗
Guinea-Bissau	✗	[✓]	✓	[✓]	✗
Guyana	✗	✗ <sup>136</sup>	SOME <sup>137</sup>	SOME <sup>138</sup>	SOME <sup>139</sup>
Haiti	✗ <sup>140</sup>	✓	✓	✓	✓
Honduras <sup>141</sup>	✗	✓	✓	✗	✗
Indonesia	✗	✗	SOME <sup>142</sup>	✗	✗ <sup>143</sup>
Iran	✗	✓	✗ <sup>144</sup>	[✓]	✗
Iraq	✗	✗	✓	SOME <sup>145</sup>	✗
Ireland <sup>146</sup>	✗	✓	✓	✓	SOME <sup>147</sup>

117 Government accepted UPR recommendation to prohibit corporal punishment in all settings (2010)

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

119 Prohibited in institutions by Constitution but "reasonable chastisement" defence available

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

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

122 But no explicit prohibition

123 Policy advises against the use of corporal punishment but no explicit prohibition in legislation

124 But no explicit prohibition

125 But no explicit prohibition

126 Possibly prohibited in care institutions

127 Government appears to have accepted UPR recommendation to prohibit corporal punishment in all settings (2008)

128 Ministerial directive possibly advises against using corporal punishment but no prohibition in law

129 Prohibited in prisons; no explicit prohibition in borstal institutions and industrial institutions

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

131 Prohibited in child care homes by licensing requirements

132 Government accepted UPR recommendation to prohibit corporal punishment in the home (2008)

133 Legislation protects dignity but does not prohibit all corporal punishment

134 Unlawful in state laws but permitted in traditional justice systems

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

136 Possibility of including prohibition in Education Bill under discussion (2012)

137 Prohibited for under 17s, lawful for 17 year olds

138 See note on sentence

139 Prohibited in some settings in 2011 Child Care and Services Development Act

140 Possibly prohibited by 2001 law but no unequivocal information

141 Government accepted UPR recommendation to prohibit all forms of corporal punishment (2010)

142 Prohibited in Criminal Code but permitted under Shari'a law in Aceh province and in regional regulations based on Islamic law in other areas

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

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

145 Prohibited in prisons and detention centres, possibly lawful in other penal institutions

146 Government "partially accepted" UPR recommendation to prohibit corporal punishment in the home (2011)

147 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 no prohibition in legislation

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Jamaica	✗	SOME <sup>148</sup>	✓ <sup>149</sup>	✓ <sup>150</sup>	✓
Japan <sup>151</sup>	✗ <sup>152</sup>	✓ <sup>153</sup>	✓	✗	✗
Jordan <sup>154</sup>	✗	✓	✓	✓	[SOME] <sup>155</sup>
Kazakhstan	✗	SOME <sup>156</sup>	✓	✓	SOME <sup>157</sup>
Kiribati	✗	✓ <sup>158</sup>	✗ <sup>159</sup>	✗	✗
Kuwait <sup>160</sup>	✗	[✓]	[✓]	[✓]	✗
Kyrgyzstan <sup>161</sup>	✗	✓	✓	✓	SOME <sup>162</sup>
Lao PDR	✗	[✓]	✓	✓ <sup>163</sup>	✗
Lebanon	✗	✗ <sup>164</sup>	✓	[✓]	✗
Lesotho <sup>165</sup>	✗	✗ <sup>166</sup>	✓ <sup>167</sup>	✗	✗
Liberia	✗	✗	✓	✓	SOME <sup>168</sup>
Libyan Arab Jamahiriya	✗	✓	✗	✗	✗
Madagascar	✗	[✓]	✓	✗	✗
Malawi	✗	✓ <sup>169</sup>	✓	✓	SOME <sup>170</sup>
Malaysia	✗	✗	✗ <sup>171</sup>	✗ <sup>172</sup>	✗
Mali	✗ <sup>173</sup>	✓	✓	✓ <sup>174</sup>	✗
Malta	✗	✓ <sup>175</sup>	✓	[✓]	✗
Marshall Islands	✗	✓	✓	✓	✗
Mauritania	✗	✗ <sup>176</sup>	✗	✗	✗
Mauritius	✗	✓	✓	✗	✗
Mexico	✗ <sup>177</sup>	✗	✓	✗	✗
Micronesia	✗	[✓]	✓	✗	✗

148 Prohibited in schools for children up to age 6; prohibition in all schools under discussion (2012)

149 Ruled unconstitutional in 1998 but some legislation still to be repealed (2012)

150 But some legislation still to be repealed (2012)

151 Government accepted UPR recommendation to prohibit all forms of corporal punishment (2008)

152 But prohibited in Kawasaki City by local ordinance

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

154 Government accepted UPR recommendation to prohibit corporal punishment in all settings (2009)

155 Possibly prohibited in institutions

156 Prohibited in regular schools but not in military schools

157 Prohibited in children's villages, youth homes and other institutions, but no prohibition in foster care or kinship care

158 Statutory provisions allowing corporal punishment repealed but no explicit prohibition in law

159 Government committed to prohibition (2006)

160 Government accepted UPR recommendation to prohibit corporal punishment (2010)

161 Government accepted UPR recommendation to prohibit corporal punishment in all settings (2010)

162 Prohibited in residential institutions

163 But no explicit prohibition

164 Government committed to law reform (2006)

165 Government accepted UPR recommendation to abolish corporal punishment (2010)

166 Possibly prohibited in 2010 Education Act

167 Prohibited in 2011 Child Protection and Welfare Act but some legislation possibly still to be repealed

168 2011 Children's Law prohibits corporal punishment by child protection practitioners but this does not cover all forms of alternative care

169 But prohibition in private schools unconfirmed

170 Prohibited in state-run institutions and day care settings

171 Government committed to prohibition (2007)

172 See note on sentence

173 Right of correction removed from Family Code in 2011 but no explicit prohibition of corporal punishment

174 But no explicit prohibition

175 But no explicit prohibition

176 Ministerial Order states that corporal punishment should not be used, but no prohibition in legislation

177 But "right of correction" removed from the Civil Code of Federal Territory

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Monaco	✗	✓ <sup>178</sup>	✓	✓ <sup>179</sup>	✗
Mongolia <sup>180</sup>	✗	✓	✓	✗	✗
Montenegro	✗	✓	✓	✓ <sup>181</sup>	✗
Morocco <sup>182</sup>	✗	✗ <sup>183</sup>	✓	✓	✗
Mozambique	✗	✗ <sup>184</sup>	✓	✓	✗
Myanmar	✗	[✗] <sup>185</sup>	✓ <sup>186</sup>	✗	✗
Namibia	✗	✓	✓ <sup>187</sup>	✓ <sup>188</sup>	SOME <sup>189</sup>
Nauru	✗	✗	[✓]	✗	✗
Nicaragua <sup>190</sup>	✗	✓	✓	✓	✗
Niger	✗	✗ <sup>191</sup>	✓	✗	✗
Nigeria	✗	✗	SOME <sup>192</sup>	SOME <sup>193</sup>	✗
Niue	✗	✗	✓	[✓]	[✗]
Oman	✗	✓	[✓]	✗	✗
Palau <sup>194</sup>	✗	✗	✓	✗	✗
Palestine	✗	SOME <sup>195</sup>	[✗] <sup>196</sup>	[✗] <sup>197</sup>	✗
Panama <sup>198</sup>	✗	✗	✓	✓	✗
Papua New Guinea <sup>199</sup>	✗	✗	✓	✗	SOME <sup>200</sup>
Paraguay <sup>201</sup>	✗	✗ <sup>202</sup>	✓	✓	SOME <sup>203</sup>
Philippines <sup>204</sup>	✗	✓	✓	✓	SOME <sup>205</sup>
Qatar <sup>206</sup>	✗	✗ <sup>207</sup>	✗	✓	✗
Republic of Korea	✗	[SOME] <sup>208</sup>	✓	✓ <sup>209</sup>	✗

178 But no explicit prohibition

179 But no explicit prohibition

180 Government accepted UPR recommendation to prohibit all forms of corporal punishment (2010); draft amendments to Family Law would prohibit in the home and care institutions (2010)

181 But possibly no explicit prohibition

182 Government accepted UPR recommendation to prohibit corporal punishment in all settings (2012)

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

184 Government directive advises against corporal punishment but no explicit prohibition in law

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

186 But some legislation not amended/repealed

187 Unlawful under 1991 Supreme Court ruling but some legislation yet to be repealed

188 See note on sentence; Child Care and Protection Bill would prohibit (2011)

189 Unlawful in state institutions under 1991 Supreme Court ruling but some legislation yet to be repealed; Child Care and Protection Bill would prohibit (2011)

190 Government accepted UPR recommendation to prohibit corporal punishment in all settings (2010); right of correction removed from Penal Code in 2012; proposals to prohibit all corporal punishment in draft Family Code under discussion (2012)

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

192 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

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

194 Government accepted UPR recommendation to prohibit all forms of corporal punishment (2011)

195 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

196 Possibly unlawful in the West Bank

197 Possibly unlawful in East Jerusalem

198 Government accepted UPR recommendation to prohibit all forms of corporal punishment (2010); current legislation prohibits only corporal punishment which results in injury

199 Government accepted UPR recommendation to prohibit corporal punishment in all settings (2011)

200 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

201 Draft legislation which would prohibit under discussion (2012)

202 Legislation protects dignity but does not explicitly prohibit corporal punishment

203 Prohibited in shelter homes

204 Government accepted UPR recommendation to prohibit corporal punishment in the home and other settings (2012); legislation which would prohibit under discussion (2012)

205 Prohibited in residential institutions and day care centres

206 Government accepted UPR recommendation to prohibit all forms of corporal punishment (2010)

207 Code of Conduct for schools states that corporal punishment should not be used but no explicit prohibition in legislation

208 Law prohibits direct corporal punishment (involving physical contact) but indirect (no contact) corporal punishment such as painful positions and punitive physical exercise permitted

209 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	
Russian Federation	✗	✓ <sup>210</sup>	✓	✓ <sup>211</sup>	✗
Rwanda <sup>212</sup>	✗	✗	✓	✗	✗
Samoa <sup>213</sup>	✗	✓	✓	[✗]	✗
San Marino <sup>214</sup>	✗	✓	✓	✓ <sup>215</sup>	✗
Sao Tome & Principe <sup>216</sup>	✗	[✓]	[✓]	[✗]	✗
Saudi Arabia <sup>217</sup>	✗	✗ <sup>218</sup>	✗	✗	✗
Senegal	✗	SOME <sup>219</sup>	✓	[✓] <sup>220</sup>	✗
Seychelles	✗	✗ <sup>221</sup>	✓	✗	✗
Sierra Leone	✗	✗	✓	✗	✗
Singapore	✗	✗	✗	✗	SOME <sup>222</sup>
Solomon Islands <sup>223</sup>	✗	✗	✓	✓	✗
Somalia	✗	[SOME] <sup>224</sup>	SOME <sup>225</sup>	SOME <sup>226</sup>	[SOME] <sup>227</sup>
South Africa <sup>228</sup>	✗	✓	✓	✓	✓
St Kitts & Nevis	✗	✗	✗	✗	✗
St Lucia	✗	✗	✓	✗	✗
St Vincent & Grenadines	✗	✗	✗	✗	✗
Sudan	✗	SOME <sup>229</sup>	[✓] <sup>230</sup>	✗	✗
Suriname	✗	✗ <sup>231</sup>	✓	✓	✗ <sup>232</sup>
Swaziland	✗	✗	✗ <sup>233</sup>	✗ <sup>234</sup>	✗
Switzerland <sup>235</sup>	✗ <sup>236</sup>	✓ <sup>237</sup>	✓	✓	✓
Syrian Arab Republic	✗	✗ <sup>238</sup>	✓	✗	✗
Tajikistan <sup>239</sup>	✗	✗	✓	✗	✗

210 But possibly no explicit prohibition

211 But no explicit prohibition

212 Government accepted UPR recommendation to prohibit corporal punishment (2011); draft Child Protection Act would possibly achieve prohibition in all settings (2011); 2012 Penal Code protects children from "disproportional" punishment

213 Government accepted UPR recommendation to prohibit corporal punishment in the home (2011)

214 Government accepted UPR recommendation to prohibit all corporal punishment, stating it would amend the Criminal Code to prohibit in all settings (2010)

215 But no explicit prohibition

216 Government accepted UPR recommendation to prohibit corporal punishment in all settings (2011)

217 Government accepted UPR recommendation to prohibit all corporal punishment of children (2009)

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

219 Prohibited for children aged 6-14

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

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

222 Prohibited in child care centres

223 Government accepted UPR recommendation to prohibit corporal punishment in all settings (2011)

224 Possibly prohibited in Somaliland

225 Prohibited in Somaliland

226 Prohibited in Somaliland

227 Possibly prohibited in institutional care settings in Somaliland

228 Government accepted UPR recommendation to prohibit corporal punishment in the home (2012); prohibition under discussion (2012)

229 2010 Child Act prohibits cruel punishment at federal level but no explicit prohibition of all corporal punishment; prohibited in Khartoum State

230 Possibly lawful under Shari'a law

231 Government accepted UPR recommendation to prohibit corporal punishment in schools (2011)

232 Draft regulations which would prohibit in day care centres under discussion (2011)

233 Prohibited in 2012 Children's Protection and Welfare Act, not yet in force

234 See note on sentence

235 Government accepted UPR recommendation to prohibit all corporal punishment (2008); draft legislation to prohibit rejected by Parliament in 2008

236 2003 Federal Court ruling stated repeated and habitual corporal punishment unacceptable but did not rule out the right of parents to use corporal punishment

237 Prohibited by federal law pursuant to cantonal legislation; 1991 Federal Court ruled it permissible in certain circumstances but this considered impossible under current legislation

238 Ministry of Education advises against its use but no explicit prohibition in law

239 Government accepted UPR recommendation to prohibit corporal punishment in all settings (2011) and has stated that legislation is being improved so as to prohibit corporal punishment in the family, schools and other educational establishments (2012)

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
TFYR Macedonia <sup>240</sup>	✗	✓	✓	✓	✓
Timor-Leste <sup>241</sup>	✗	✗	✓	✓ <sup>242</sup>	✗ <sup>243</sup>
Tonga	✗	✓	✗ <sup>244</sup>	✓	✗
Trinidad and Tobago	✗	✗ <sup>245</sup>	✗ <sup>246</sup>	✗ <sup>247</sup>	✗ <sup>248</sup>
Turkey <sup>249</sup>	✗	✓ <sup>250</sup>	✓	✓ <sup>251</sup>	✗
Turkmenistan <sup>252</sup>	✗	[✓]	✓	[✓]	✗
Tuvalu <sup>253</sup>	✗	✗	SOME <sup>254</sup>	✗	✗
Uganda <sup>255</sup>	✗	✗ <sup>256</sup>	✓	✓	✗
UK	✗ <sup>257</sup>	✓	✓	✓	SOME <sup>258</sup>
United Arab Emirates	✗	✓ <sup>259</sup>	✗	[✓]	✗
UR Tanzania	✗	✗	SOME <sup>260</sup>	SOME <sup>261</sup>	SOME <sup>262</sup>
USA	✗	SOME <sup>263</sup>	✓	SOME <sup>264</sup>	SOME <sup>265</sup>
Uzbekistan	✗	✓	✓	✓ <sup>266</sup>	✗
Vanuatu	✗	✓	SOME <sup>267</sup>	✓ <sup>268</sup>	✗
Viet Nam	✗	✓	✓	✓	✗
Western Sahara	✗	[✗]	[✓]	[✓]	[✗]
Yemen	✗	✓	✗	✓	✗
Zambia <sup>269</sup>	✗	✓	✓ <sup>270</sup>	✓ <sup>271</sup>	✗
Zimbabwe <sup>272</sup>	✗	✗	✗	✗	✗

240 Government accepted UPR recommendation to prohibit corporal punishment in all settings (2009)

241 Government accepted UPR recommendation to prohibit all forms of corporal punishment (2011); draft legislation which would prohibit in all settings under discussion (2012)

242 But no explicit prohibition

243 Policy advises against corporal punishment in child care centres, orphanages and boarding houses, but no prohibition in law

244 2010 Court of Appeal ruling stated whipping provisions in criminal law likely to be unconstitutional but did not categorically declare corporal punishment unconstitutional

245 Prohibited in 2012 Children Act, not yet in force

246 Corporal Punishment (Offenders Not Over Sixteen) Act repealed in 2000 but provision in Children Act authorising judicial whipping of children still in force; 2012 Children Act would repeal previous Act but not yet in force

247 See note on schools

248 See note on schools

249 Government accepted UPR recommendation to prohibit corporal punishment (2010)

250 But no explicit prohibition

251 But possibly no explicit prohibition

252 2002 Rights of the Child (Guarantees) Act prohibits corporal punishment considered to be harmful

253 Government accepted UPR recommendation to prohibit corporal punishment (2008)

254 Unlawful under Penal Code and Code of Criminal Procedure, but Islands Courts may order corporal punishment

255 Bill which would prohibit all corporal punishment under discussion (2012)

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

257 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

258 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

259 But no explicit prohibition in relation to private schools

260 Prohibited in Zanzibar, lawful in mainland Tanzania

261 Prohibited in approved schools and remand homes in Zanzibar, lawful in mainland Tanzania

262 Prohibited in residential institutions in Zanzibar, lawful in other forms of care; not prohibited in mainland Tanzania

263 Prohibited in public and private schools in Iowa and New Jersey, in public schools in a further 29 states and District of Columbia

264 Prohibited in 32 states

265 Prohibited in all alternative care settings in 31 states and in some settings in other states and the District of Columbia

266 But no explicit prohibition

267 Used in rural areas for punishment of young boys and girls found to have broken village or custom rules

268 But no explicit prohibition

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

270 Ruled unconstitutional by Supreme Court in 1999 but some legislation not amended

271 See note on sentence

272 Government accepted UPR recommendation to prohibit corporal punishment in all settings (2011)

## The work of the Global Initiative

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

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

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

The screenshot shows the website interface with a search bar at the top. The main content is organized into several sections:

- Site Map:** A vertical navigation menu on the left with links for Introduction, Human rights and law, Global progress, Research, Resources, and Reform.
- Introducing the Global Initiative:** A central section with a list of links: Background, Use of this website, Supporters, Become a supporting organisation, FAQs, Latest developments, and Newsletter. Below this is a yellow button labeled "BECOME A SUPPORTER".
- Human rights law and corporal punishment:** A section with links to Committee on the Rights of the Child, Other human rights instruments, Key judgments, Global Initiative briefings for human rights monitoring bodies, and Human Rights Council – Universal Periodic Review (marked "NEW for 2011").
- Global progress:** A section with links to Introduction (including global and regional summary tables), Countdown to universal prohibition, Online global table: legality of corporal punishment, Global report 2011, Individual state reports, G1 reports for UN Secretary-General's Study, and States which have prohibited.
- Research:** A section with links to Introduction, Research in countries which have prohibited all corporal punishment, Research and children, The nature and extent of corporal punishment – prevalence and attitudinal research, Effects of corporal punishment, and Statements by children and their organisations.
- Resources:** A section with links to Downloads, Positive discipline, and Links to websites.
- Reform:** A section with links to Introduction, Legislative measures, Other resources, International, regional and national campaigns for law reform to prohibit all corporal punishment of children, and Useful publications.

On the right side of the page, there is a yellow sidebar titled "Latest developments" containing a "Latest news feed | What's this?" section with several news items, including "Global Initiative e-newsletter Issue 21 (October 2012)", "Global Initiative submission to Special Rapporteur's study on state responsibility for eliminating violence against women", "Strong recommendations to prohibit corporal punishment made by the Committee on the Rights of the Child", "New edition of 'Progress and delay'", "New report on prohibiting corporal punishment in West Africa", "Global Initiative submission to OHCHR study on children's right to health", "New briefing for UN entities and others working on violence against women", "New briefing on corporal punishment of children with disabilities", "New summary of progress and delay in prohibiting corporal punishment in Africa", "New list of resources for eliminating corporal punishment in schools", "Albania makes all corporal punishment of children unlawful", and "Latest recommendations from the Committee on the Rights of the Child".

There are also two circular graphics: a blue one that says "WEBSITE FOR CHILDREN" and a purple one that says "COUNTDOWN TO UNIVERSAL PROHIBITION".

### 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. Action is needed urgently in every region of the world to respect fully the rights of all children – the smallest and most fragile of people.

This seventh Global Report reviews the progress and the delays in prohibiting corporal punishment of children throughout the world, in the context of follow-up to the UN Secretary General’s Study on Violence against Children. There are immediate opportunities for positive action in all regions....



The **Global Initiative to End All Corporal Punishment of Children** was launched

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

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



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

**WORKING WITH**



**Save the Children**

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

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

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