

Ending legalised violence against children

GLOBAL REPORT 2007



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

“The Study has raised the expectations of millions of children in all regions; they want their childhoods, free of violence, now. A year is a long time in the life of a child. We cannot keep them waiting.”

Paulo Sérgio Pinheiro, Independent Expert, Progress Report to General Assembly, 2007



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Messages



Professor Paulo Sérgio Pinheiro Independent Expert, UN Secretary General's Study on Violence against Children

The Study sets an ambitious target for States, to prohibit all violence against children, including all corporal punishment, by 2009. Surely this is not too much for children to expect? The Study has made visible the scale and impact of this most common form of violence – in children's homes, schools, care institutions and other places. So how can we as adults – as human rights activists or parliamentarians or government ministers and officials – tolerate its continued legality and social acceptance in so many States?

The Global Initiative has made a great contribution by documenting the legality and prevalence of corporal punishment across the world, and I am very gratified to learn from this second Global Report that between 2005 and 2007 many more States have committed themselves to full law reform.

This really is an iconic issue for children, so symbolic of their status as individual people and rights-holders. Challenging long-held traditional beliefs in the "right" of parents and others to use violent forms of discipline is not easy for governments. But States' human rights obligations are clear and the follow-up to the Study provides the context for moving quickly and collaboratively to create the conditions – including clear legal frameworks – for childhoods free of all forms of violence.



Professor Yanghee Lee Chairperson, Committee on the Rights of the Child

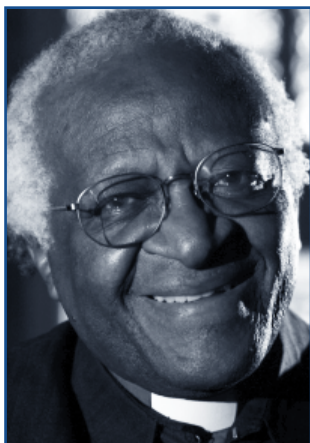
The Committee's interpretation of the Convention has been consistent and clear on the issue of corporal punishment. The Committee clearly stated in its report of the 4th session in 1993 its intention to devote attention to the question of corporal punishment when reviewing States parties' reports. Henceforth, the Committee has recommended to more than 130 States parties the prohibition of all corporal punishment and the taking of other necessary measures to eliminate it. Furthermore, when the Committee issued its first General Comment on "The aims of education", it reiterated that corporal punishment is incompatible with the Convention in all continents.

In our General Comment No. 8, released in 2006, the Committee emphasizes the following: "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."

The UN Secretary General's Study on Violence against Children has provided a new context and a call for action on this issue, and the Committee has resolved to use the reporting process under the Convention to pursue States' responses to the Study's recommendations.

Law reform is a necessary but of course not sufficient response. Children have a right to equal protection under the law, and the law must not condone violence disguised as discipline. Human dignity, physical integrity, and equal protection under the law should be the guiding principles that move parents and others away from using corporal punishment. This should be done through sustained educational programmes, under environments that promote positive forms of relationships with children.

Five years ago, many Heads of State and high-level State officials made a promise to children all over the world: To make a World Fit for Children. I believe that a world that condones violence against children is not a world fit for children. We must not, and cannot, waste another minute in building a world free of violence, free of inhuman and degrading treatment, and free of corporal punishment.

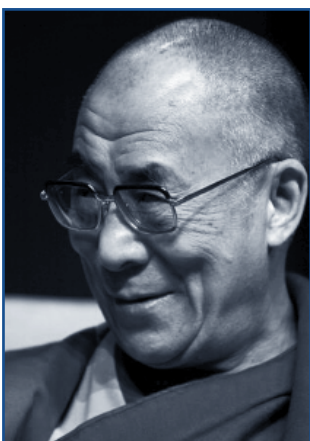


The Most Reverend Desmond M. Tutu Archbishop Emeritus

I support the Global Initiative to eliminate all corporal punishment at home, in institutions and community. This worldwide movement has gained prominence through the United Nations Global Study on Violence against Children. Since the launch of the UN Global Report there has been good progress towards eliminating corporal punishment. Churches are increasingly speaking out on behalf of children. During 2007 the South African Council of Churches (SACC) produced a document which clearly sets out the religious arguments against corporal punishment and the Southern Catholic Bishops' Conference made a submission to the South African Parliament arguing for prohibition of all forms of corporal punishment.

But we must do much more if we are to achieve our goal of eliminating all corporal punishment of children. Millions of the world's children still suffer from humiliating acts of violence and these violations of their rights as human beings can have serious and lifelong effects. Violence begets violence and we shall reap a whirlwind. Children can be disciplined without violence that instils fear and misery, and I look forward to church communities working in solidarity with others and using the context of the Study to make further progress towards ending all forms of violence against children.

If we really want a peaceful and compassionate world, we need to build communities of trust where all children are respected, where home and school are safe places to be and where discipline is taught by example. May God give us grace to love our children as He loves them and may their trust in us lead them to trust in Him.



His Holiness the Dalai Lama

We have all been born into this world as part of one great human family. Rich or poor, educated or uneducated, belonging to one nation or another, to one religion or another, adhering to this ideology or that, ultimately each of us is just a human being like everyone else. We all desire happiness and do not want suffering.

Even in relation to the question of human rights violations and concern for human rights, the key point is the practice of compassion, love and forgiveness. It is very important to recognise that compassion and love are fundamental to relations between sentient beings in general and human beings in particular. At the beginning of our lives and again when we become old we appreciate others' help and affection. Unfortunately, between these two periods of our lives, when we are strong and able and can look after ourselves, we neglect the value of affection and compassion. As our very lives begin and end with a

need for affection, would it not be better to practice compassion and love towards others and especially children when we are strong and capable?

I believe that to meet the challenges of our times, human beings will have to develop a greater sense of universal responsibility. I therefore appreciate the good work being done by the Global Initiative in working for the rights of children across the world, thus promoting respect for human rights in general. Each of us must learn to work not just for oneself, one's own family or one's own nation, but also for the benefit of all humankind, including children. Universal responsibility is the key to human survival. It is the best guarantee for human rights and for world peace.

Global progress towards ending all corporal punishment

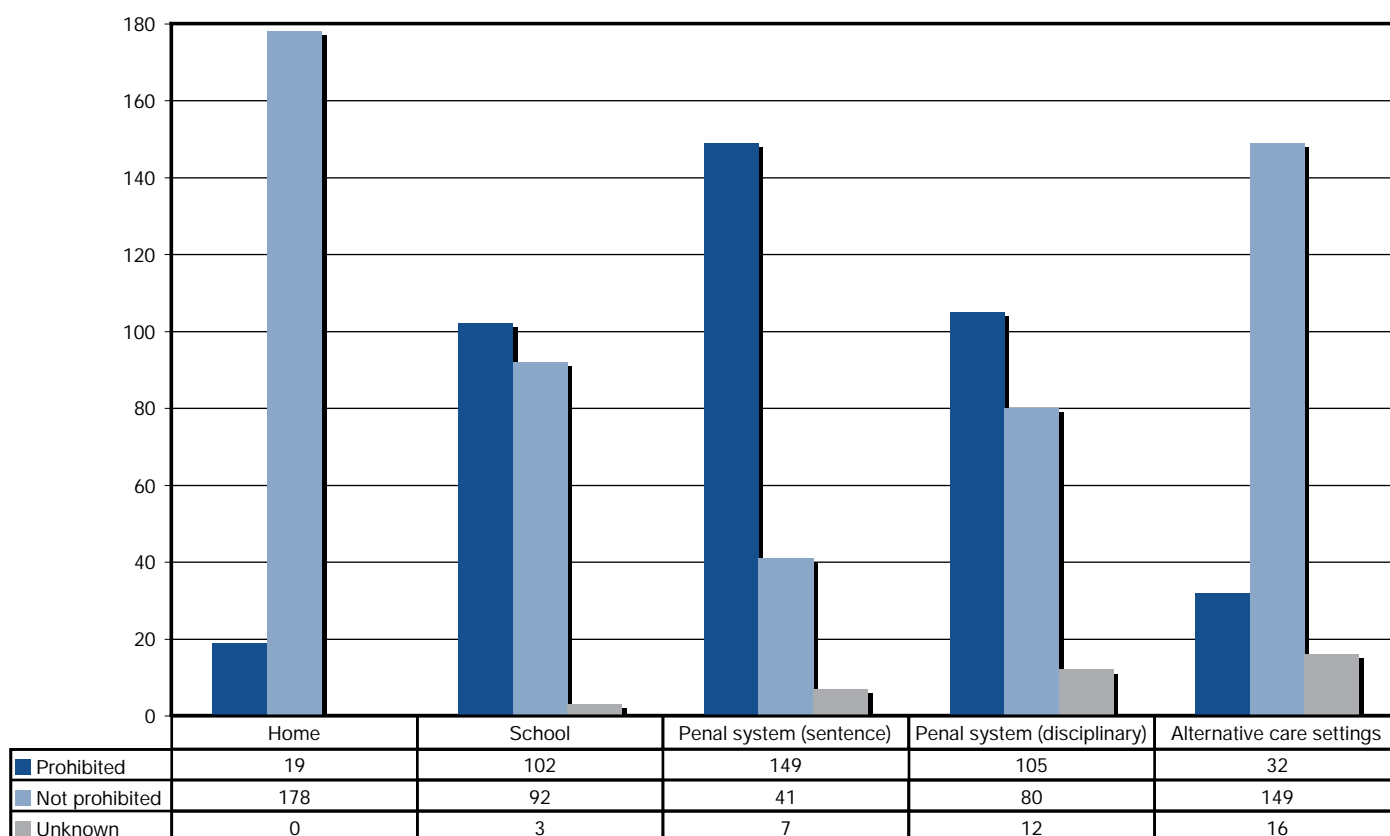
During the course of the UN Secretary General's Study on Violence against Children, which sets the deadline for prohibition of all corporal punishment at 2009, progress towards universal prohibition has accelerated worldwide. Since 2003, seven states have joined the list of those with legislation prohibiting all corporal punishment of children, including in the home, and at least 17 more have publicly committed themselves to full prohibition in the near future. In another seven states, legal reform is under way, although the governments have not explicitly declared a commitment to full prohibition. Many more states have introduced prohibition in one or more settings outside the home – in schools, penal systems or other institutions – or have made public commitments to law reform in these settings.

By October 2007, 19 states worldwide have achieved full protection in legislation for children from all corporal punishment in all settings (representing 2.3% of the global child population). Over 100 states have prohibited all school corporal punishment by law. In juvenile justice systems, corporal punishment is unlawful as a sentence of the courts in 149 states and is prohibited as a punishment for internal disciplinary offences in penal institutions in 105 states. Corporal punishment is prohibited in all alternative care settings in 32 states (see full state-by-state analysis, page 16).

If every state listed on pages 16-18 as having made progress towards prohibition in the home, or having made a clear commitment, sees it through, then 45 states will have complete prohibition (16.5% of the global child population), extending full legal protection from corporal punishment to over 310 million more children than at present.

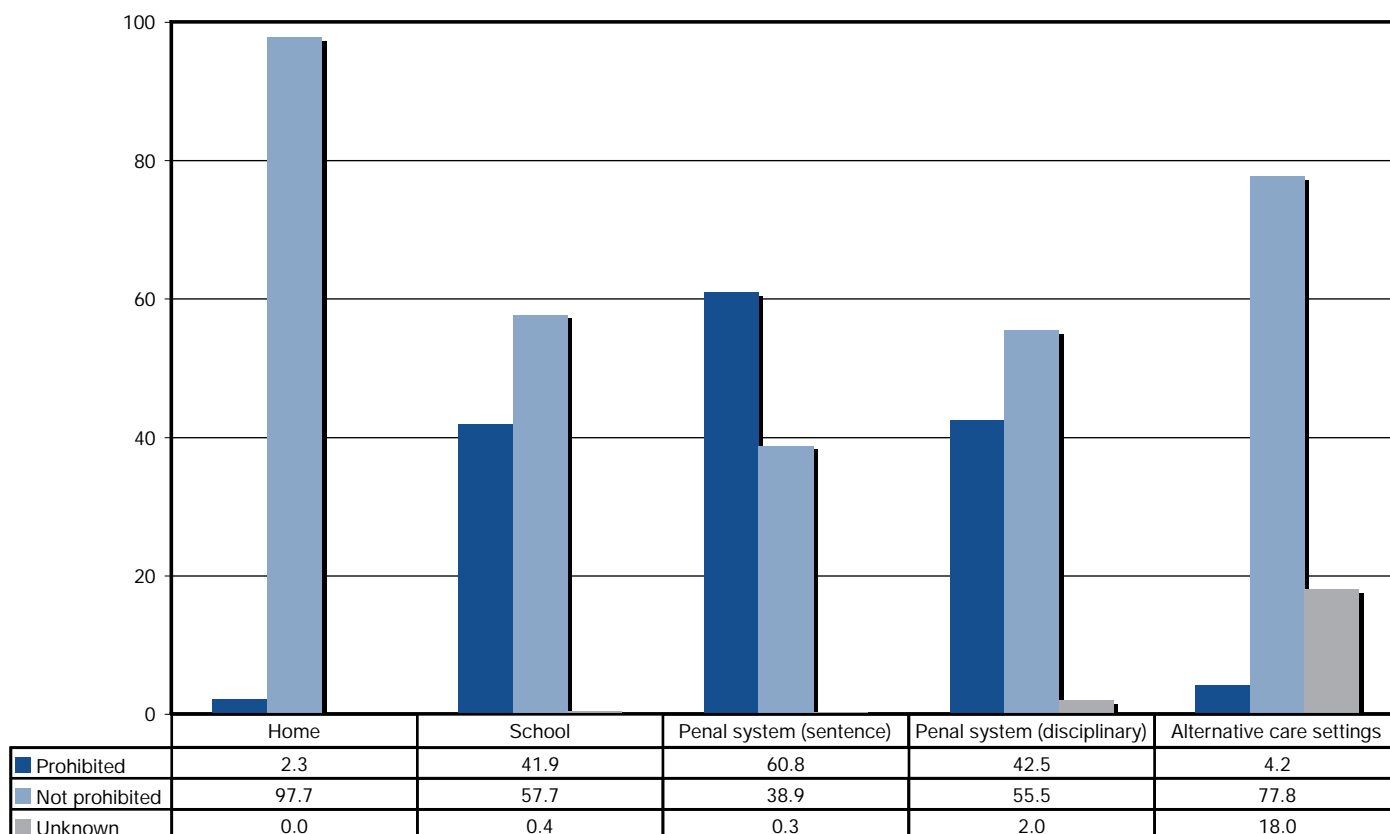
The world is now moving rapidly towards acceptance of children's equal rights to respect for their human dignity and physical integrity and to equal protection under the law. But there is a long way to go and it demands strong and continuous advocacy to achieve this unacceptably overdue reform for children.

Number of states prohibiting corporal punishment in legislation



Note: The total number of states included in the analysis is 197, comprising all those that have ratified the UN Convention on the Rights of the Child except for Vatican City (which has no child population), plus Palestine, Somalia, Taiwan, USA and Western Sahara. Information as at September 2007.

Percentage of global child population protected in legislation from corporal punishment



Note: Child population figures (2005) from UNICEF (www.unicef.org, accessed September 2007) (except Cyprus, 2002 UNICEF figure and Montenegro, Serbia and Vietnam, 2004 UNICEF figure; Western Sahara, from <http://esa.un.org/unpp/p2k0data.asp>, *World Population Prospects*, medium variant for 2005, accessed May 2006; Taiwan, 2005 figure from Children Bureau, Ministry of Interior). Information as at September 2007.

States which have achieved full prohibition – laws prohibiting corporal punishment in the home

2007 Portugal	"Whoever repeatedly, or not, inflicts physical or psychological ill-treatment, including corporal punishment, deprivation of liberty and sexual offences, is punished with 1 to 5 years of imprisonment." (<i>Penal Code</i> , amended 2007, article 152)
2007 New Zealand	"(1) Every parent of a child and every person in the place of a parent of the child is justified in using force if the force used is reasonable in the circumstances and is for the purpose of (a) preventing or minimising harm to the child or another person; or (b) preventing the child from engaging or continuing to engage in conduct that amounts to a criminal offence; or (c) preventing the child from engaging or continuing to engage in offensive or disruptive behaviour; or (d) performing the normal daily tasks that are incidental to good care and parenting. (2) Nothing in subsection (1) or in any rule of common law justifies the use of force for the purpose of correction...." (<i>Crimes Act</i> , amended 2007, section 59)
2007 Netherlands	"(1) Parental authority includes the duty and the right of the parent to care for and raise his or her minor child. (2) Caring for and raising one's child includes the care and the responsibility for the emotional and physical wellbeing of the child and for his or her safety as well as for the promotion of the development of his or her personality. In the care and upbringing of the child the parents will not use emotional or physical violence or any other humiliating treatment." (<i>Civil Code</i> , amended 2007, article 1:247)
2006 Greece	"Physical violence against children as a disciplinary measure in the context of their upbringing brings the consequences of Article 1532 of the Civil Code." (<i>Law on the Combating of Intra-family Violence</i> , 2006, in force 2007, article 4) (Note: Article 1532 of the Civil Code concerns abuse of parental authority.)
2004 Hungary	"The child has the right to be respected his/her human dignity, to be protected against abuse – physical, sexual and mental violence The child shall not be subjected to torture, corporal punishment and any cruel, inhuman or degrading punishment or treatment." (<i>Act on the Protection of Children and Guardianship Administration</i> , 1997, amended 2004, in force 2005, article 6.5)
2004 Romania	<p>"(1) The child has the right to be shown respect for his or her personality and individuality and may not be made subject to physical punishment or to other humiliating or degrading treatments. (2) Disciplinary measures concerning the child can only be taken in accordance with the child's dignity, and under no circumstances are physical punishments allowed, or punishments which relate to the child's physical and mental development or which may affect the child's emotional status." (<i>Law on the Protection and Promotion of the Rights of the Child</i>, 2004, in force 2005, article 28)</p> <p>"It is forbidden to enforce physical punishment of any kind or to deprive the child of his or her rights, which may result in endangerment of the life, the physical, mental, spiritual, moral and social development, the bodily integrity, and the physical and mental health of the child, both within the family as well as in any institutions which ensure the protection, care and education of children." (<i>Law on the Protection and Promotion of the Rights of the Child</i>, article 90)</p>
2003 Ukraine	"Physical punishment of the child by the parents, as well as other inhuman or degrading treatment or punishment are prohibited." (<i>Family Code</i> , 2003, in force 2004, article 150.7)

2003 Iceland	"It is the parents' obligation to protect their child against any physical or mental violence and other degrading or humiliating behaviour." (<i>Children's Act</i> , 2003, article 28)
2000 Bulgaria	"Every child has a right to protection against all methods of upbringing, that undermine his or her dignity, against physical, psychical or other types of violence; against all forms of influence, which go against his or her interests." (<i>Child Protection Act</i> , 2000, amended 2003, article 11.2)
2000 Germany	"Children have the right to a non-violent upbringing. Corporal punishment, psychological injuries and other humiliating measures are prohibited." (<i>Civil Code</i> , amended 2000, article 1631)
2000 Israel	The "reasonable chastisement" defence was removed from criminal law in 2000.
1998 Croatia	"Parents and other family members must not subject the child to degrading treatment, mental or physical punishment and abuse." (<i>Family Act</i> , 1998, in force 1999, article 87)
1998 Latvia	<p>"A child cannot be treated cruelly, cannot be tormented and physically punished, and his/her dignity and honour cannot be offended." (<i>Law on Protection of the Rights of the Child</i>, 1998, article 9.2)</p> <p>The law criminalises "failure to discharge parental obligations ... the malicious usage of parental authority, the physical punishing of a child, as well as cruel behaviour against him/her". (<i>Law on Protection of the Rights of the Child</i>, 1998, article 24.4)</p>
1997 Denmark	"The child has the right to care and security. He or she shall be treated with respect as an individual and may not be subjected to corporal punishment or any other degrading treatment." (<i>Parental Custody and Care Act</i> , amended 1997)
1994 Cyprus	Legislation prohibits "any unlawful act or controlling behaviour which results in direct actual physical, sexual or psychological injury to any member of the family". (<i>Family (Prevention and Protection of Victims) Law</i> , 1994, reiterated in new <i>Act on Violence in the Family</i> , 2000)
1989 Austria	"The minor child must follow the parents' orders. In their orders and in the implementation thereof, parents must consider the age, development and personality of the child; the use of force and infliction of physical or psychological suffering are not permitted." (<i>General Civil Code</i> , 1989, section 146a)
1987 Norway	"The child shall not be exposed to physical violence or to treatment which can threaten his physical or mental health." (<i>Parent and Child Act</i> , amended 1987)
1983 Finland	"A child shall be brought up in the spirit of understanding, security and love. He shall not be subdued, corporally punished or otherwise humiliated. His growth towards independence, responsibility and adulthood shall be encouraged, supported and assisted." (<i>Child Custody and Rights of Access Act</i> , 1983, in force 1984, article 1.3)
1979 Sweden	"Children are entitled to care, security and a good upbringing. Children are to be treated with respect for their person and individuality and may not be subjected to corporal punishment or any other humiliating treatment." (<i>Parenthood and Guardianship Code</i> , amended 1979, article 1)

Recommendati

The Global Initiative promotes the following recommendations for immediate adoption and action:

“[The Chinese teacher] asked if we had done our homework. We said we turned it in already. He said we were lying. He made us kneel on broken glass. He made us pull up our pants. I kneeled for a whole period, about one hour. My knees bled and I still have a scar.... Then [he] broke some glass and kicked it into my shin. Some of the glass stuck in my leg, and I bled”

(Child, 9 years old, from *A Generation in Peril: The Lives of Tibetan Children Under Chinese Rule*, Tibet Justice Center, 2001)

1 Explicitly prohibit all violence against children, including all corporal punishment and other cruel or degrading punishment or treatment, in the family and in all other settings. This is required by the Convention on the Rights of the Child and by other international and regional human rights instruments. Law reform is required to repeal any existing defences that can be used to justify violent punishment and any laws that authorise it in any setting. Explicit prohibition in sectoral laws applying within the family and to schools, the penal system, alternative care settings and situations of employment is required to send a clear message.

2 Ensure that awareness-raising of children’s right to protection, promotion of non-violent childrearing and education and the principles of non-violent conflict resolution are built into all the points of contact with future parents and parents and into the training of all those working with or for children and families. Encourage political, community and faith leaders and educators to support this awareness-raising and public education.

3 Involve children in the development of effective and appropriate action to eliminate corporal punishment and other cruel or degrading punishment or treatment.

4 Review the extent of violent victimisation of children, including in the family, through confidential interview studies with children themselves and with parents and other carers.

5 Review safeguards to protect children from all forms of violence in the full range of residential institutions and other forms of alternative care, state and private, and implement any necessary improvements.



“She gave me five strikes on the buttocks. My heart was so sore and my bums were painful. I couldn’t sit down the whole weekend. Every time I looked at the teacher I resented her.”

(Girl, KwaZulu-Natal, from *South African Children’s Experiences of Corporal Punishment*, Save the Children Sweden, 2005)

“I cannot play because my mother works and I have to look after her children, otherwise she hits me with a stick.”

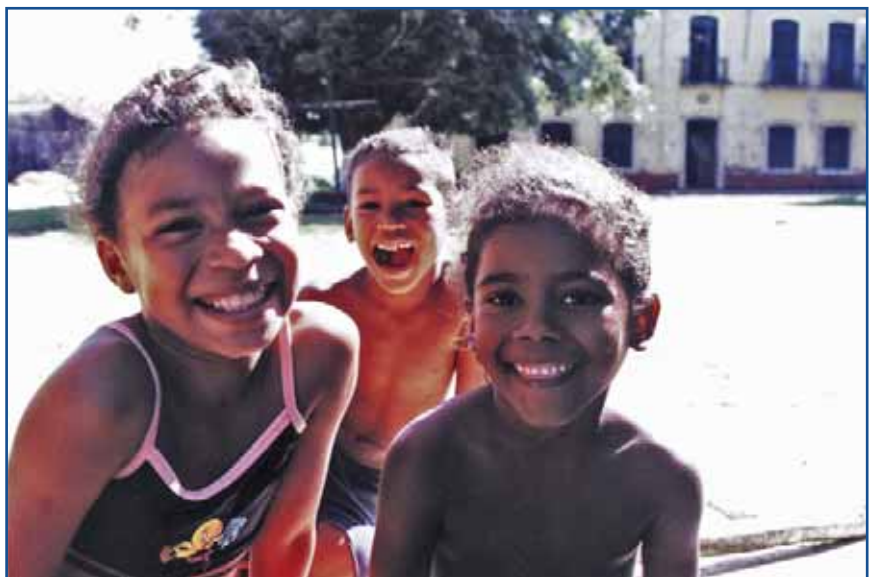
(Girl, 13 years old, Afghanistan, from *Ending Physical and Humiliating Punishment of Children – Making it Happen*, International Save the Children Alliance, 2005)

The human right to prohibit all punishment of

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

(Committee on the Rights of the Child, 2006, General Comment No. 8, para. 22)

It is widely recognised that compliance with international human rights law requires prohibition of corporal punishment of children. Rights to respect for human dignity and physical integrity and to equal protection under the law are upheld for everyone – including children – in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The Convention on the Rights of the Child re-emphasises that children, too, are holders of human rights and, as such, should have protection under the law equal to that given to adults. The Convention requires states to protect children from “all forms of physical or mental violence” while in the care of parents or others (article 19). Article 37 requires states to ensure that children are not subjected to torture or to other cruel, inhuman or degrading treatment or punishment. And article 28(2) requires that school discipline is administered in a manner consistent with the child’s human dignity and in conformity with the whole Convention.



ts imperative corporal children

The Committee on the Rights of the Child – the monitoring treaty body for the CRC – consistently interprets the Convention as requiring the prohibition of all corporal punishment, including in the family, linked to awareness-raising and public education. By 2007, the Committee had recommended explicit prohibition in law of corporal punishment within the family to around 130 states. In June 2006, the Committee adopted General Comment No. 8 on “The right to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia)” which confirms the obligations on governments to prohibit all corporal punishment (available at www.ohchr.org/english/bodies/crc/comments.htm).

The Committee states (para. 3):

“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.”

The obligation to prohibit all corporal punishment is supported by other international and regional human rights treaty bodies, including the Committee Against Torture, the Committee on Economic, Social and Cultural Rights and the Human Rights Committee. The European Court of Human Rights has progressively condemned corporal punishment in a series of judgments. The European Committee of Social Rights has found a number of member states of the Council of Europe not in compliance with the European Social Charter because they have not effectively prohibited corporal punishment in the home and all other settings.

“To prohibit any form of corporal punishment of children is an important measure for the education of the population in this respect in that it gives a clear message about what society considers to be acceptable. It is a measure that avoids discussions and concerns as to where the borderline would be between what might be acceptable corporal punishment and what is not.”

(European Committee of Social Rights, 2001, General Introduction to *Conclusions XV-2*, vol.1, p.27)

Challenging faith violence against

Since the launch of the UN Secretary General's Study on Violence against Children, growing numbers of religious communities have become involved in the movement to eliminate corporal punishment of children.

In May 2006 the World Conference of Religions for Peace (WCRP) in partnership with UNICEF convened a global consultation of religious leaders and experts in Toledo, Spain. Participants from 30 countries representing many faiths, including Buddhist, Christian, Hindu, Jain, Jewish, Muslim and Sikh, pledged support for the UN Study. One outcome was a Declaration identifying approaches and multi-religious actions which can be used to address violence against children. Recommendations include the development of resources to promote the dignity of the child and eliminate all forms of violence against children, including corporal punishment. The Declaration, entitled "A Multi-Religious Commitment to Confront Violence against Children", was endorsed at the 8th World Assembly of Religions for Peace in Kyoto, Japan, in August 2006. It states:

"We call upon our governments to adopt legislation to prohibit all forms of violence against children, including corporal punishment, and to ensure the full rights of children, consistent with the Convention on the Rights of the Child and other international and regional agreements. We urge them to establish appropriate mechanisms to ensure the effective implementation of these laws and to ensure that religious communities participate formally in these mechanisms."

Speaking at a press conference in Tehran following the consultation in Toledo, Ayatollah Sayed Mousavi Bojnourdi, Head of Law at the Imam Khomani Research Institute, Tehran, stated: "Religion does not accept any form of violence against humans, especially against children. All Muslims are duty bound to raise awareness, but for religious leaders, it is their job. We should highlight the role of religion regarding this issue."

A multi-faith civic service dedicated to children and non-violence was held at Coventry Cathedral, UK, in October 2006 to mark the launch of the Report of the UN Secretary General's Study. During

"We call upon our governments to adopt legislation to prohibit all forms of violence against children, including corporal punishment Our religious communities are ready to serve as monitors of implementation, making use of national and international bodies to maintain accountability."

(Declaration on Violence Against Children, endorsed at the 8th World Assembly of WCRP, Kyoto, August 2006)

-based children

the service, the Coventry Charter for Children and Non-violence was dedicated. The Charter promotes the rights in the Convention on the Rights of the Child and provides a framework for religious communities to address the recommendations of the UN Study, including working with others to eliminate violence, promote positive discipline and advocate for prohibition of corporal punishment.

In May 2007 all New Zealand Anglican Bishops declared their support for the repeal of Section 59 of the Crimes Act which allowed the use of “reasonable” force “by way of correction”, presenting a signed statement – “Removing the Loophole” – to the Prime Minister, Helen Clark. In response to Christians who argue that the Bible condones corporal punishment the Bishops said: “As Christians, our reading of the Bible must always be done through the lens of Christ’s teaching and life.” They stated: “Removing the legal loophole that has been used to justify excessive force against children will reinforce the total unacceptability of violence against children. It will help break the cycle of violence, and is therefore in the best interests of children, and of our society as a whole. As Christians our primary role model is Jesus Christ. The way of Jesus was non-violence. This is a moment for our values to shape our laws and the future of our nation. This is a moment to make a positive difference.”

During 2007 the South African Council of Churches (SACC) – an umbrella organisation representing over 16 million Christians of 26 denominations in South Africa – supported by Save the Children produced a document explaining the religious arguments against corporal punishment (“Religions, the Promotion of Positive Discipline and the Abolition of Corporal Punishment”). The Southern African Catholic Bishops’ Conference Parliamentary Liaison Office has also supported prohibition of corporal punishment during the South African Parliamentary deliberations on the Children’s Act Amendment Bill in 2007. The introduction to its submission quotes the address by Archbishop Silvana Tomasi, the Holy See’s permanent observer to the UN, to the fourth session of the Human Rights Council in March 2007: “The child should not only be placed high on the political agenda but at the centre of concern. The future of society depends on children and on how they are prepared for it, and their vulnerability calls for special protection.”

“Violence that is within the law, as in the legal right of parents to use ‘reasonable’ force in disciplining children, is viewed as violating a child’s right to equal protection under the law, as well as their physical, spiritual and emotional integrity. This view is grounded in the sacred respect that religious communities hold for every child.”

(Coventry Charter, 2006)

The UN Secretary General's study

"The Study has raised the expectations of millions of children in all regions; they want their childhoods, free of violence, now. A year is a long time in the life of a child. We cannot keep them waiting."

Paulo Sérgio Pinheiro,
Independent Expert,
Progress Report to
General Assembly, 2007

No violence against children is justifiable; all violence against children is preventable: this is the key message of the Report of Independent Expert Paulo Sérgio Pinheiro, appointed by UN Secretary General Kofi Annan to lead the first comprehensive global study on violence against children in 2003. The Report was submitted to the General Assembly in October 2006.

During 2005, nine regional consultations were held in connection with the Study in all parts of the world. Recommendations developed at every consultation included calls for the prohibition and elimination of all corporal punishment.

In the Introduction to the Report, Professor Pinheiro states: "The Study should mark a turning point – an end to adult justification of violence

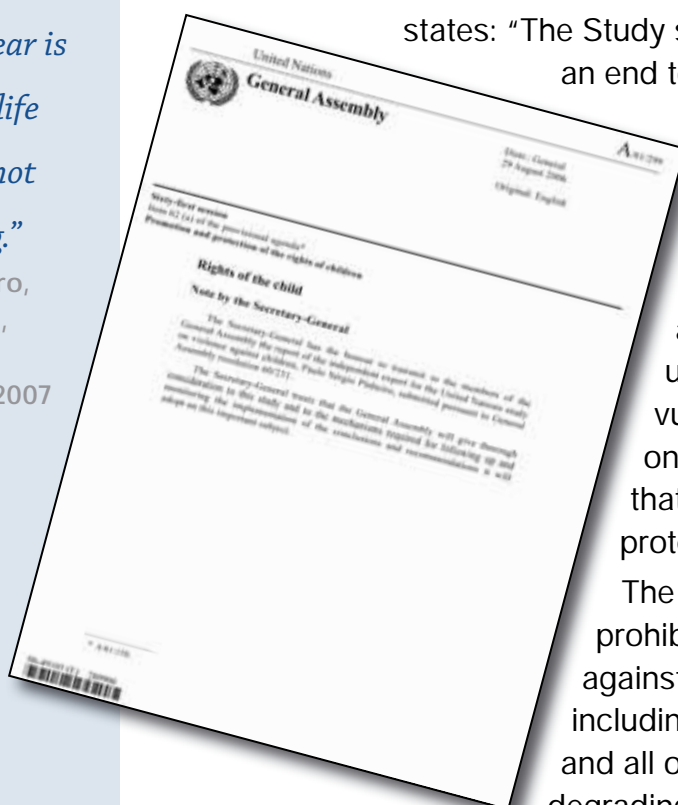
against children, whether accepted as 'tradition' or disguised as 'discipline'.

There can be no compromise in challenging violence against children. Children's uniqueness – their potential and vulnerability, their dependence on adults – makes it imperative that they have more, not less, protection from violence."

The Report recommends prohibition of all forms of violence against children in all settings, including all corporal punishment and all other cruel, inhuman or degrading forms of punishment, drawing the attention of states to the

General Comment on the subject adopted by the Committee on the Rights of the Child (see above, page 11). The Report sets a target date of 2009 for complete prohibition in all states.

The Report and the complementary World Report on Violence against Children are available at www.violencestudy.org.



The meaning of equal protection

Children's rights to respect for their human dignity and physical integrity and to equal protection under the law require that the law effectively and equally protects them from all forms of corporal punishment and other humiliating punishment or treatment.

Efforts to reform the law to prohibit all corporal punishment often meet with strong opposition. Some fear that it means many parents will be prosecuted and imprisoned, or more children will be taken from their homes. But this has not happened in the growing number of countries where the law has been changed.

Giving children equal protection means criminalising assaults on children in the same way and to the same extent as assaults on adults are criminalised. Criminalising corporal punishment means making it against the law. But prosecution is a separate issue. Minor assaults between adults are only prosecuted in the most exceptional circumstances, and the same should be true of assaults on children.

Prosecuting parents is seldom in the interests of their children because of children's dependent status. In every case in which corporal punishment in the family comes to light, the aim must be first to seek to help parents and children through voluntary positive interventions – offers of advice, discussions with other parents and so on – which aim to stop violent and humiliating treatment of children. Prosecution should be used only as a last resort, when it appears to be necessary to protect a child from significant harm *and* to be in the best interests of the child.

In December 2007, the Global Initiative will publish a legal reform handbook, together with web-based resources, to assist states in the process of pursuing prohibition and elimination of all corporal punishment. For further information, contact info@endcorporalpunishment.org.

“... if they changed the law then a lot of people will realise what they had done to their child and they would probably be happy that the law was changed. If they don't change the law they will think ‘oh well, the child doesn't mind so we can keep on doing it’. But if they realise that children have been talking to adults about it then I think they will definitely realise that it hurts their child and they will be very upset with themselves.”

(Girl, 7 years old, UK, from *It hurts you inside* — children talking about smacking, National Children's Bureau and Save the Children UK, 1998)

Global progress towards full prohibition: legal status of corporal punishment of children worldwide (October 2007)

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.

States with full prohibition in legislation

The following 19 states have prohibited corporal punishment in all settings, including the home: **Austria** (1989); **Bulgaria** (2000); **Croatia** (1998); **Cyprus** (1994); **Denmark** (1997); **Finland** (1983); **Germany** (2000); **Greece** (2006); **Hungary** (2004); **Iceland** (2003); **Israel** (2000); **Latvia** (1998); **Netherlands** (2007); **New Zealand** (2007); **Norway** (1987); **Portugal** (2007); **Romania** (2004); **Sweden** (1979); **Ukraine** (2003)

Prohibition by Supreme Court ruling

In the following states, corporal punishment is prohibited in all settings, including the home, by Supreme Court ruling, not yet reflected in legislation: **Italy** (1996); **Nepal** (2005)

States committed to full prohibition

In each of the following states, corporal punishment is still permitted in one or more settings but the government has made a public commitment to full prohibition.

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Afghanistan ¹	✗	✗ ²	✓	✗ ³	✗
Bangladesh ⁴	✗	✗ ⁵	✗	✗	✗
Bhutan ⁶	✗	✗	??	✗	✗
Czech Republic ⁷	✗	✗	✓	✓ ⁸	✗
Estonia ⁹	✗	✓ ¹⁰	✓	✓	✗
Ireland ¹¹	✗	✓	✓	✓	SOME ¹²

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 Ministry of Education announced in June 2006 that "the use of any form of violent behaviour and beating and humiliation of children is strictly prohibited", but this yet to be confirmed in legislation

3 Prohibited by policy and practice in the Children's Rehabilitation Centre and as at September 2005 Regulations for the Children's Rehabilitation Centre under discussion

4 As for Afghanistan (note 1)

5 Ministerial directives advise against use

6 As for Afghanistan (note 1)

7 Government committed to prohibition; discussions on reform due to begin September 2007

8 But no explicit prohibition

9 Government committed to prohibition and draft legislation under discussion (July 2007)

10 But no explicit prohibition

11 Government has stated long-term commitment to prohibition but given no indication of timing

12 Prohibited in pre-school settings except for childminders caring for children of relatives, children of same family or up to three children from different families; prohibited in foster care and residential care services by guidance

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Lithuania ¹³	✗	✓ ¹⁴	✓	✓ ¹⁵	✓
Luxembourg ¹⁶	✗	✓	✓	✓	✗
Maldives ¹⁷	✗	[✓]	✗	✗	SOME ¹⁸
Pakistan ¹⁹	✗	SOME ²⁰	SOME ²¹	✗ ²²	✗
Slovakia ²³	✗	✓	✓	✓	✓
Slovenia ²⁴	✗	✓	✓	✓	SOME ²⁵
Spain ²⁶	✗	✓	✓	✓	✗
Sri Lanka ²⁷	✗	✗	✓	✓	✗
Taiwan ²⁸	✗	✓	✓	✓	??
Uruguay ²⁹	✗	✗	✓	✗	✗
Venezuela ³⁰	✗	✓	✓	✓	✗

Legal reform in progress but no explicit commitment to full prohibition

In the following states, bills are under discussion in Parliament which would introduce full prohibition but the government has not publicly 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	
Belgium ³¹	✗	✓	✓	✓	SOME ³²
Brazil ³³	✗	✗	✓	✗	✗

13 Government stated its intention to introduce prohibition in law during January 2006 examination by the Committee on the Rights of the Child

14 But no explicit prohibition

15 But no explicit prohibition

16 Government has stated its intention to prohibition in the home; as at May 2007 a Bill was pending that would prohibit in the family and educational settings

17 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, but the Government has also stated commitment to retaining corporal punishment under Islamic law (2006) and according to the Committee on the Rights of the Child as at June 2007 draft Penal Code legalizes corporal punishment in the home, schools and institutions

18 Prohibited in the Education and Training Centre for Children

19 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; as at June 2007, draft Protection of Children Act (2005) which would introduce full prohibition under discussion; 2005 National Child Policy recognises right of the child to protection from corporal punishment

20 Prohibited in North West Frontier, Punjab and Sindh Provinces by directive

21 Prohibited in 2000 Juvenile Justice System Ordinance but as at June 2006 this not implemented in tribal areas and other legislation not amended

22 See previous note

23 Government stated commitment to full prohibition in 2005, expected to be included in new Family Code for public debate January/February 2007

24 Government stated intention to explicitly prohibit in the home during 2004 drafting of domestic violence law; as at January 2007, draft Family Bill which would prohibit in the home under discussion

25 Prohibited in day care centres and residential schools

26 Government stated intention to pursue law reform in 2004

27 As for Afghanistan (note 1)

28 Government stated commitment to prohibition in August 2005

29 As at August 2007, Bill which would prohibit all corporal punishment had been passed in the Senate and was due to proceed through Congress; government has pledged unconditional support to the bill and has publicly committed to implement all UN Study recommendations

30 As at February 2007, the Law for the Protection of Children and Adolescents was under reform and an article prohibiting all corporal punishment had been approved by the National Assembly; the Law is expected to be enacted later in 2007

31 As at 2005, a proposed amendment to the Civil Code which would prohibit all corporal punishment including in the home was pending before the Senate

32 Prohibited in institutions and foster care by decrees in some communities; not prohibited in non-institutional childcare

33 As at September 2007, Bill which would prohibit in all settings, including the home, has been under discussion but met some resistance; the possibility of re-submission in 2008 is under consideration

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Canada ³⁴	✗	✓ ³⁵	✓	✓	SOME ³⁶
Costa Rica ³⁷	✗	✗	✓	✓	✗
Nicaragua ³⁸	✗	✗	✓	✓	✗
Peru ³⁹	✗	✗ ⁴⁰	✓	✗	✗
South Africa ⁴¹	✗	✓	✓	✓	✓

Others – prohibition incomplete and no commitment to reform

In these states, corporal punishment is permitted in some or all settings and there is as yet no public commitment to full prohibition.

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Albania	✗	✓	✓	✓ ⁴²	✗
Algeria	✗	✓	✓	[✗]	✗
Andorra	✗ ⁴³	✓ ⁴⁴	✓	✓	✗
Angola	✗	✓	[✓]	✗	✗
Antigua & Barbuda	✗	✗	✗	✗	✗
Argentina	✗	✗	✓	✗	✗
Armenia	✗	✓	✓	✓	✗
Australia	✗ ⁴⁵	SOME ⁴⁶	✓	SOME ⁴⁷	SOME ⁴⁸
Azerbaijan	✗	✓	✓	✓	✗
Bahamas	✗	✗	✗	✗	✗
Bahrain	✗	✓	✓	??	??
Barbados	✗	✗	✗	✗	SOME ⁴⁹

34 As at June 2007, Bill S-207 which would repeal section 43 of the Criminal Code, which allows for the use of force “by way of correction”, was under discussion in the Senate, and the Standing Senate Committee on Human Rights had recommended repeal of the defence by 2009; 2004 Supreme Court ruling upheld parents’ right to administer corporal punishment to children aged 2-12 years, but not using objects and not involving slaps or blows to the head

35 2004 Supreme Court ruling limited use of force by teachers to restraint and removal and excluded corporal punishment; as at March 2007, no prohibition in legislation relating to private schools, or to any schools in Alberta, Manitoba and Ontario

36 Prohibited in state provided care in Alberta, British Columbia and Manitoba; 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

37 2004 draft Law on the Abolition of Corporal Punishment Against Minors would prohibit in all settings, including the home; 2005 ruling by Criminal Court of Cassation, San José, stated legal duty on those with paternal authority over children to moderately correct them did not entail right to hurt them

38 In October 2007, consultation will begin, initiated by the Children’s Ombudsman’s Office, on law reform to achieve full prohibition

39 Legislation which would prohibit all corporal punishment, including in the family, under discussion (2007)

40 Prohibited by Decree, but not in law

41 Law Commission and Parliament’s Portfolio Committee on Social Development have recommended removal of “reasonable chastisement” defence but debate continuing while draft legislation under discussion (July 2007)

42 But no explicit prohibition

43 Government has claimed existing laws prohibit in all settings (2004), but no explicit prohibition in legislation

44 No explicit prohibition, but education law and regulations recognise dignity of the child

45 In 2003, Law Reform Institute in Tasmania recommended abolition of “reasonable correction” defence from criminal and civil law; as at April 2007, no changes in the law had been made; 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

46 Prohibited in state schools and independent schools in Australian Capital Territory, Tasmania and Victoria; prohibited by Ministerial guidelines in New South Wales and by policy in Queensland and Western Australia but “reasonable chastisement” defence potentially available

47 “Reasonable chastisement” defence potentially available in Queensland and Tasmania

48 Prohibited in child care centres except in Northern Territory; prohibited in residential centres in New South Wales, Queensland, South Australia and Victoria; prohibited in foster care in Queensland, South Australia, Tasmania and New South Wales, but “reasonable chastisement” defence available in all but New South Wales

49 Prohibited in state-arranged foster care and pre-school settings, and in day care centres and children’s residential centres run by Child Care Board, but lawful in private foster care

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Belarus	✗	✓	✓	✓	SOME ⁵⁰
Belize	✗	✗	✓	SOME ⁵¹	SOME ⁵²
Benin	✗	✗ ⁵³	✓	[✓]	✗
Bolivia	✗	✗ ⁵⁴	SOME ⁵⁵	✗	✗
Bosnia & Herzegovina	✗	✓ ⁵⁶	✓	✓	✗
Botswana	✗	✗	✗	✗	✗
Brunei Darussalam	✗	✗	✗	✗	✗
Burkina Faso	✗	✓	✓	✓	SOME ⁵⁷
Burundi	✗	✗	✓	✗	✗
Cambodia	✗	SOME ⁵⁸	✓	✓	✗ ⁵⁹
Cameroon	✗	✓	✓	✓	✗
Cape Verde	✗	✗ ⁶⁰	✓	✓	[✓]
Central African Republic	✗	✗	??	??	??
Chad	✗	✗	✓	✗	✗
Chile	✗	✗	✓	✗	✗
China	✗	✓	✓	✓	??
Colombia	✗	✗ ⁶¹	SOME ⁶²	✗ ⁶³	✗
Comoros	✗	✗	[✓]	✗	✗
Congo, Republic of	✗	[✓]	✓	✗	✗
Cook Islands	✗	✗	✓	✗	✗
Cote d'Ivoire	✗	??	✓	✓	✗
Cuba	✗	✗	✓	✗	✗
Dem. People's Rep. of Korea	✗	✗ ⁶⁴	✓	✓	??
Democratic Republic of Congo	✗	✓	✓	SOME ⁶⁵	✗
Djibouti	✗	[✓]	??	✗	??
Dominica	✗	✗	✗	✗	✗
Dominican Republic	✗	✓	✓	✗	??
Ecuador	✗	✓	✓ ⁶⁶	✗	SOME ⁶⁷

50 Prohibited in boarding institutions; not prohibited in foster care

51 Prohibited in "Youth Hostel" detention centre but lawful in prisons and by law enforcement officials

52 Prohibited in residential care facilities and in day care centres

53 Prohibited in formal education by government circular

54 Prohibited by regulation

55 Prohibited in state laws, but ordered by community elders in traditional Indian justice systems

56 No explicit prohibition, but unlawful under child protection laws

57 Prohibited in institutions; not prohibited in foster care

58 Prohibited in primary schools but not explicitly in secondary schools; prohibited in draft Education Law (2005)

59 Draft Minimum Standards would prohibit

60 Prohibited by Ministry of Education guidelines

61 But corporal punishment resulting in injury is prohibited

62 Prohibited in laws of the Republic, but under Constitutional case law permitted among indigenous Indian communities

63 See note 61

64 Prohibited in policy, but as at April 2004 not in law

65 Prohibited in Antoinette Sassou-Nguessou Re-education Centre

66 But possibly lawful among indigenous communities

67 Prohibited in institutions but lawful in other childcare settings

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Egypt	✗	✓	✓	✓ ⁶⁸	✗
El Salvador	✗	✓	✓	✓	??
Equatorial Guinea	✗	✗	??	??	✗
Eritrea	✗	✗	✗ ⁶⁹	??	✗
Ethiopia	✗	✓ ⁷⁰	✓	✓	SOME ⁷¹
Fiji ⁷²	✗	✓ ⁷³	✓ ⁷⁴	✓	✗
France	✗	✗ ⁷⁵	✓	✓ ⁷⁶	✗
Gabon	✗	✓	??	??	??
Gambia	✗ ⁷⁷	✗ ⁷⁸	✓	✗ ⁷⁹	✗
Georgia	✗ ⁸⁰	✓ ⁸¹	✓	✓	SOME ⁸²
Ghana	✗	✗	✓	✗	✗
Grenada	✗	✗	✗	✗	SOME ⁸³
Guatemala	✗	✗	✓	✗	✗
Guinea	✗	✓	[✗]	??	✗
Guinea-Bissau	✗	✓	✓	✓	??
Guyana	✗	✗ ⁸⁴	✗	✗	✗ ⁸⁵
Haiti	✗ ⁸⁶	✓	✓	✓	✓
Honduras	✗	✓	✓	✗	✗
India ⁸⁷	✗	SOME ⁸⁸	SOME ⁸⁹	✗ ⁹⁰	✗
Indonesia	✗	✗	SOME ⁹¹	✗ ⁹²	✗
Iran, Islamic Republic of	✗	✓	✗	✗	✗

68 But possibly permitted in social welfare institutions

69 Lawful under Transitional Penal Code but prohibited in Draft Penal Code

70 Prohibited by government directive and Constitution, but "reasonable chastisement" defence potentially available

71 Prohibited in institutions by Constitution, but "reasonable chastisement" defence available

72 According to Save the Children (January 2007), public request for full prohibition has been made

73 Ruled unconstitutional in 2002 High Court ruling, but as at March 2007 legislation not amended

74 See previous note

75 1889 High Court ruling allowed "right to correction" for teachers; 2000 ruling stated that habitual and non-educational corporal punishment not covered by this

76 But no explicit prohibition

77 But 2005 Children's Act provides for the responsibility of parents to "ensure that domestic discipline is administered with humanity and in a manner consistent with the inherent dignity of the child"

78 Possibly prohibited in 2005 Children's Act

79 See previous note

80 In 2000 under examination by the Committee on the Rights of the Child government stated intention to prohibit in the family, and response to governmental questionnaire of the UN Secretary General's Study on Violence against Children indicated all corporal punishment is prohibited, but no explicit prohibition in legislation

81 But no explicit prohibition

82 Prohibited in institutional care establishments

83 Prohibited in child care homes by licensing requirements

84 Motion calling for prohibition pending before Parliament (July 2007)

85 Prohibited in childcare and childminding services in Children's Bill, as at February 2005 not in force

86 Possibly prohibited by 2001 law, but no unequivocal confirmation

87 Government has committed to prohibition in schools and other settings outside the home; 2003 National Charter for Children recognises children's right to protection from corporal punishment

88 National Policy on Education recommends prohibition; prohibited in Andhra Pradesh, Goa, Tamil Nadu, Chandigarh, Orissa, Delhi, Himachal Pradesh and West Bengal; as at June 2006, prohibition under consideration in Punjab and Bihar; 2005 National Plan of Action for Children includes goal of prohibition in schools; as at April 2006, prohibited at national level in draft Free and Compulsory Education for Children Bill

89 Prohibited in state laws, but used in traditional justice systems

90 2005 National Plan of Action for Children includes goal of prohibition in relation to children in difficult circumstances; prohibited in institutions in Offences Against Children (Prevention) Bill (2006)

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

92 As at January 2005 Penal Code and juvenile justice system were under review

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Iraq	✗	✓	✓	??	??
Jamaica	✗	SOME ⁹³	✓	✓	✓
Japan	✗	✓	✓	✓	[SOME]
Jordan	✗ ⁹⁴	✓	✓	✓	[✓]
Kazakhstan	✗	SOME ⁹⁵	✓	✓	SOME ⁹⁶
Kenya	✗	✓	✓	✓ ⁹⁷	SOME ⁹⁸
Kiribati	✗	✓ ⁹⁹	✗ ¹⁰⁰	✗	✗
Kuwait	✗	✓	✓ ¹⁰¹	✗	??
Kyrgyzstan	✗	✓	✓	✓	SOME ¹⁰²
Lao People's Democratic Rep.	✗	✗	✓	✓	✗
Lebanon	✗	✗ ¹⁰³	✓	✓	[SOME]
Lesotho	✗	✗ ¹⁰⁴	✗	✗	✗
Liberia	✗	✗	✓	✗	✗
Libyan Arab Jamahiriya	✗	✓	✗	??	??
Liechtenstein	✗ ¹⁰⁵	✓	✓	✓	SOME ¹⁰⁶
Madagascar	✗	✗	✓	??	✗
Malawi	✗	✓ ¹⁰⁷	✓ ¹⁰⁸	✓ ¹⁰⁹	SOME ¹¹⁰
Malaysia	✗	✗	✗ ¹¹¹	✗ ¹¹²	✗
Mali	✗	✓	✓	✓ ¹¹³	✗
Malta	✗	✓ ¹¹⁴	✓	✓	✗
Marshall Islands	✗	✓	✓	✓	✗
Mauritania	✗	✗ ¹¹⁵	?? ¹¹⁶	✗	✗
Mauritius	✗	✓	✓	✗	✗

93 Prohibited in schools for children up to the age of 6 years

94 In September 2006, government stated corporal punishment by parents prohibited in new legislation, but no explicit prohibition and Penal Code allows for parental discipline within limits established by "general custom" (article 62)

95 Prohibited in regular schools but not in military schools

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

97 But as at March 2007 some legislation not amended

98 Prohibited in institutions

99 Statutory provisions allowing for corporal punishment repealed but no explicit prohibition in legislation

100 Government committed to prohibition (2006)

101 But reintroduction possibly proposed

102 Prohibited in residential institutions

103 Government committed to law reform (2006)

104 Prohibited in Education Bill (2006)

105 Penal Code prohibits physical and psychological harm and government has stated (January 2006) corporal punishment not permitted, but no explicit prohibition

106 Prohibited in state alternative care settings but not in privately run alternative care settings

107 Prohibited in Constitution

108 Prohibited in Constitution, but permitted in other legislation

109 See previous note

110 Prohibited in state institutions by Constitution

111 Government committed to prohibition (2007)

112 See previous note

113 But no explicit prohibition

114 But no explicit prohibition

115 Prohibited by Ministerial Order

116 Possibly lawful under Islamic law

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Mexico	✗ ¹¹⁷	✗ ¹¹⁸	✓	✗	✗
Micronesia, Federated States	✗	[✓]	✓	✗	✗
Monaco	✗	✗	✓	✓ ¹¹⁹	✗
Mongolia ¹²⁰	✗	✓	✓	✗	✗
Montenegro	✗	✓	✓	✓	✗
Morocco	✗	✗ ¹²¹	✓	✓	✗ ¹²²
Mozambique	✗	✗ ¹²³	✓	[✗]	✗
Myanmar	✗	✗ ¹²⁴	✓ ¹²⁵	✗	✗
Namibia	✗	✓	✓	✓ ¹²⁶	SOME ¹²⁷
Nauru	✗	??	SOME ¹²⁸	✗	??
Niger	✗	✗	[✓]	[✗]	✗
Nigeria	✗	✗	SOME ¹²⁹	[✗]	✗
Niue	✗	??	✓	??	??
Oman	✗	✓	??	✗	✗
Palau	✗	✗	✓	✗	✗
Palestine	✗	SOME ¹³⁰	✓ ¹³¹	✗	✗
Panama	✗	✗	✓	✓	✗
Papua New Guinea	✗	✓ ¹³²	✓	✗ ¹³³	✗
Paraguay	✗	✗ ¹³⁴	✓	✓	✗
Philippines ¹³⁵	✗	✓	✓	✓	SOME ¹³⁶
Poland	✗ ¹³⁷	✓ ¹³⁸	✓	✓	✓ ¹³⁹
Qatar	✗	✗ ¹⁴⁰	✗	✗	✗
Republic of Korea	✗	✗	✓	✓	✗
Republic of Moldova	✗	✓	✓	✓ ¹⁴¹	✗

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

118 Except possibly in Sonora

119 But no explicit prohibition

120 Government is considering prohibition (2007)

121 Prohibited by Ministerial direction

122 No prohibition in foster care; possibly no prohibition in other alternative care settings

123 Prohibited by Government directive

124 Prohibited by Government directive

125 But some legislation not amended/repealed

126 Declared unconstitutional in 1991 Supreme Court ruling; as at May 2007 not confirmed in legislation though Child Justice Bill under discussion

127 Unlawful in state institutions under 1991 Supreme Court ruling, but not confirmed in legislation; not prohibited in privately administered settings

128 Prohibited for children under 16 years, but permitted for older children

129 Prohibited as sentence in 2003 Child Rights Act, but this not enacted in all states and other legislation not amended

130 Prohibited in UNRWA schools; prohibited by Ministerial direction in public schools

131 But possibly permitted under Shari'a law

132 But as at April 2005, right of correction still in Criminal Code

133 Prohibited in draft Juvenile Justice Act, as at April 2005 intended to replace the Juvenile Courts Act

134 Legislation protects dignity but does not explicitly prohibit corporal punishment

135 According to Save the Children (January 2007), public request for full prohibition has been made

136 Prohibited in residential institutions and day care centres

137 Prohibited in 1997 Constitution, but not confirmed in law

138 Prohibition in private schools unconfirmed

139 Prohibition in private institutions unconfirmed

140 Prohibited by Ministerial Decree

141 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	✗	✓	✓	✓	✗
Rwanda	✗	✗ ¹⁴²	✓	✓	SOME ¹⁴³
Saint Kitts & Nevis	✗	✗	✗	✗	✗
Saint Lucia	✗	✗	✓	✗	✗
Saint Vincent & Grenadines	✗	✗	✗	✗	✗
Samoa	✗	✗ ¹⁴⁴	✓	[✓]	✗
San Marino	✗ ¹⁴⁵	✓	✓	✓	✗
Sao Tome & Principe	✗	[✓]	SOME ¹⁴⁶	??	✗
Saudi Arabia	✗	✗ ¹⁴⁷	✗	✗	✗
Senegal	✗	✓	✓	SOME ¹⁴⁸	✗
Serbia	✗ ¹⁴⁹	✓	✓	✓	✗
Seychelles	✗	✗ ¹⁵⁰	✓	[✓]	[✓]
Sierra Leone	✗ ¹⁵¹	✗ ¹⁵²	✗ ¹⁵³	✗ ¹⁵⁴	✗
Singapore	✗	✗	✗	✗	SOME ¹⁵⁵
Solomon Islands	✗	✗	✓	✗	✗
Somalia	✗	✗	✗ ¹⁵⁶	✓	✗
Sudan	✗	✗ ¹⁵⁷	✗	✗	✗
Suriname	✗	✗ ¹⁵⁸	✓	✓	✗ ¹⁵⁹
Swaziland	✗	✗ ¹⁶⁰	✗	✗	✗
Switzerland	✗ ¹⁶¹	✓ ¹⁶²	✓	✓	✓
Syrian Arab Republic	✗	✗ ¹⁶³	✓	??	✗
Tajikistan	✗	✗	✓	✗	✗
Thailand	✗	✓	✓	✓	✗

142 Legislation in preparation (2005)

143 Prohibited in child care centres

144 Prohibited by policy; possibly prohibited in the Education Bill (2006), as at August 2006 still under discussion

145 Government has stated Penal Code provision for "abuse of the powers of correction or discipline" (article 234) effectively prohibits corporal punishment, but no explicit prohibition in law

146 Prohibited for persons under the age of 17 years, but possibly lawful for those aged 17 years

147 Prohibited by Ministerial circulars

148 Prohibited in prisons and in training centres but possibly lawful in other penal institutions

149 2005 Serbian Family Act states: "Parents may not subject the child to humiliating actions and punishments which insult the child's human dignity and have the duty to protect the child from such actions taken by other persons" (article 69). We have been unable to substantiate reports that this prohibits all corporal punishment, including in the home

150 Prohibited by policy

151 Sierra Leone Truth and Reconciliation Commission has recommended prohibition in the home and schools (2004)

152 See previous note

153 Prohibited in 2005 Child Rights Bill, under discussion (May 2007)

154 Possibly prohibited in 2005 Child Rights Bill, under discussion (May 2007)

155 Prohibited in child care centres

156 Ordered by Islamic courts

157 1993 School Regulations prohibit for girls but allow four lashes for boys

158 Prohibited by government directives

159 Prohibited in private and state institutions in draft Children's Home Bill due for presentation early 2005

160 Prohibition proposed in new legislation due for presentation late 2006

161 2003 Federal Court ruling stated repeated and habitual corporal punishment unacceptable, but did not rule out right of parents to use corporal punishment

162 Prohibited by federal law pursuant to cantonal legislation; 1991 Federal Court ruled it permissible in certain circumstances, but this considered impossible under current (2005) legislation

163 Ministry of Education advises against its use

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	✗	✓	✓	✓	✓
Timor-Leste, Democratic Rep.	✗	✗ ¹⁶⁴	✓	✓	✗ ¹⁶⁵
Togo	✗	✗ ¹⁶⁶	SOME ¹⁶⁷	✓	✗
Tonga	✗	✓	✗	✗	✗
Trinidad & Tobago	✗	✗ ¹⁶⁸	✓	✗	✗ ¹⁶⁹
Tunisia	✗	✗ ¹⁷⁰	✓	✓	✗
Turkey	✗	✓	✓	✓	✗
Turkmenistan	✗ ¹⁷¹	✓	✓	✓	?? ¹⁷²
Tuvalu	✗	✗	✓	✗	✗
Uganda ¹⁷³	✗	✗ ¹⁷⁴	✓	✓	✗
United Arab Emirates	✗	✓	✗	✗	✗
United Kingdom	✗ ¹⁷⁵	✓	✓	✓	SOME ¹⁷⁶
United Republic of Tanzania	✗	✗	✗	✗	✗
United States of America	✗	SOME ¹⁷⁷	✓	SOME ¹⁷⁸	SOME ¹⁷⁹
Uzbekistan	✗	✓	✓ ¹⁸⁰	✓	✗
Vanuatu	✗	✓	SOME ¹⁸¹	[✓]	✗
Viet Nam	✗	✗	✓	✓	✗
Western Sahara	✗	[✗]	[✓]	[✓]	[✗]
Yemen	✗	✓	✗	✗	✗
Zambia	✗	✓	✓ ¹⁸²	✓ ¹⁸³	✗
Zimbabwe	✗	✗	✗	✗	✗

164 Government committed to prohibition (2005)

165 Prohibited by policy in child care centres, orphanages and boarding houses from April 2005

166 Prohibited in 1980 Ministerial Order

167 Prohibited in state legislation but used in traditional courts

168 Prohibited by 2000 Children (Amendment) Act, as at February 2007 not in force

169 Prohibited in health care and psychiatric institutions by policy

170 Prohibited by Ministerial circular

171 Possibly prohibited under 2002 Rights of the Child (Guarantees) Act

172 See previous note

173 According to ANPPCAN (November 2006), Children Act under review and full prohibition likely to be proposed

174 Prohibited in state schools by Ministerial circular

175 Scotland: 2003 Criminal Justice (Scotland) Act restricts common law defence by introducing concept of "justifiable assault" of children and defining blows to 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

176 Prohibited in residential care institutions and foster care arranged by local authorities or voluntary organisations, and in day care institutions and childminding in England and Wales and Scotland; prohibited by guidance in day care institutions and childminding in Northern Ireland; not prohibited in private foster care

177 Prohibited in public and private schools in Iowa and New Jersey, in public schools in a further 26 states and District of Columbia, and in some large city school districts in other states

178 Prohibited in 31 states

179 Prohibited in all alternative care settings in 30 states and in some settings in other states and District of Columbia

180 But possibly permitted under mahalliyas system

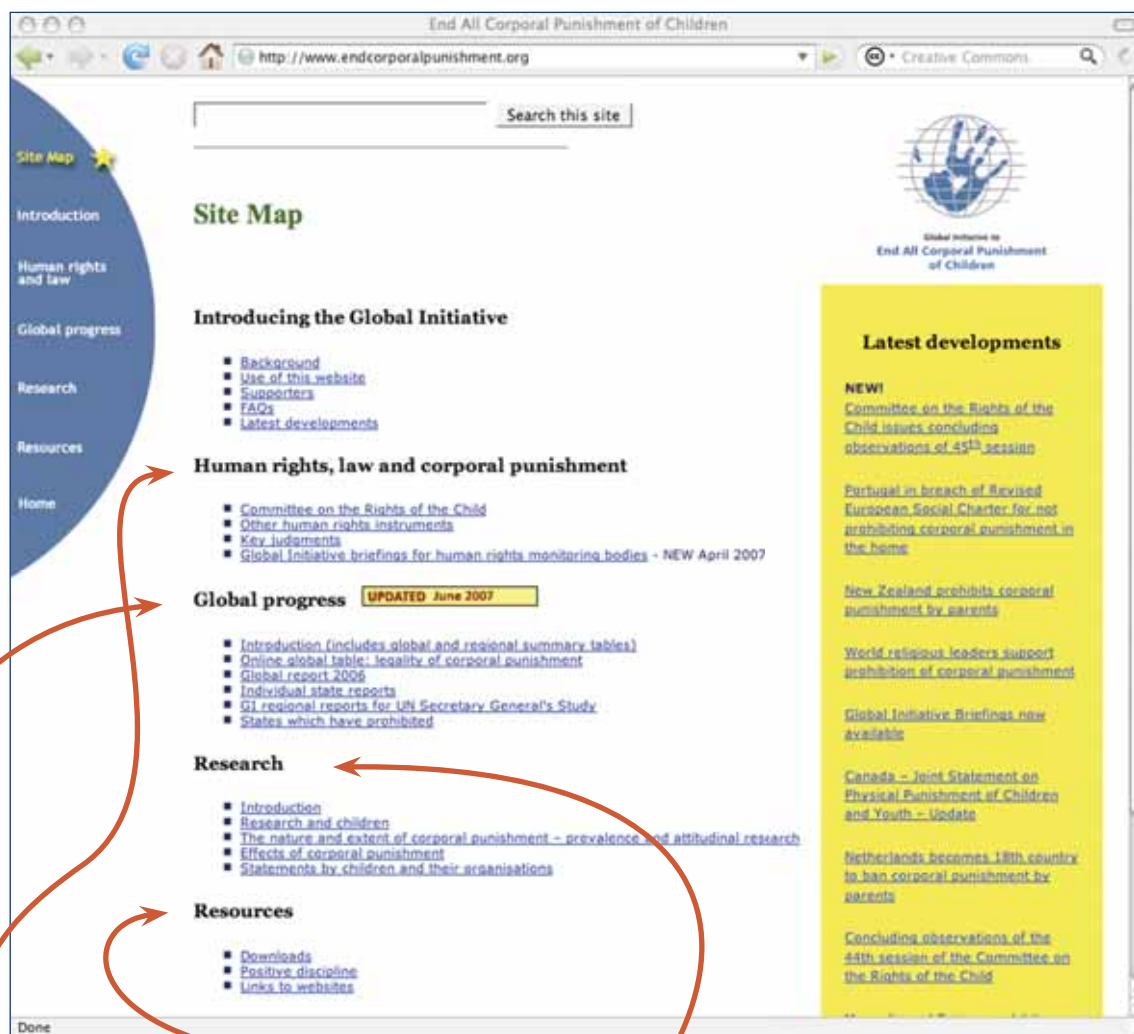
181 Used in rural areas for punishment of young boys and girls found to have broken village or custom rules

182 Ruled unconstitutional by Supreme Court in 1999, but as at May 2007 some legislation not amended

183 See previous note

Global Initiative website: www.endcorporalpunishment.org

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



Human rights, law and corporal punishment
including the work of the Committee on the Rights of the Child and other human rights treaty monitoring bodies, and information on national high-level court judgments

Global progress
including regional and global reports and individual reports on each state and territory, on the legality of corporal punishment in the home, schools, penal systems and alternative care settings; information on each state which has achieved full prohibition

Research
prevalence research, research into children's own views and experiences, and research into the effects of corporal punishment

Resources
a range of internet and other resources to support the promotion of positive, non-violent relationships with children, for teachers, parents and other carers; information on campaigns against corporal punishment worldwide, and downloads of GI reports

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



This second Global Report reviews progress towards prohibition of corporal punishment and deliberate humiliation of children throughout the world, in the context of the UN Secretary General's Study on Violence against Children. The Study Report underlined the clear and immediate human rights obligations of States, under the Convention on the Rights of the Child and other instruments, to pursue law reform and other measures to eliminate corporal punishment of children. The Study sets a target date of 2009 for prohibition in all settings, including the home, and there are welcome indications of progress in all regions.



Paulo Sérgio Pinheiro in Mali classroom

The Global Initiative was launched in Geneva in 2001. It aims to act as a catalyst to encourage more action and progress towards ending all corporal punishment in all continents; to encourage governments and other organisations to “own” the issue and work actively on it; and to support national campaigns with relevant information and assistance. The context for all its work is implementation of the Convention on the Rights of the Child. Its aims are supported by UNICEF, UNESCO, human rights institutions, and international and national NGOs. We believe ending all corporal punishment is fundamental to improving the status of children and realising their rights to respect for their human dignity and physical integrity and to equal protection under the law.

Global Initiative to End All Corporal Punishment of Children:
www.endcorporalpunishment.org email: info@endcorporalpunishment.org

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