

Annexes

Annex I – Facilitators’ and speakers’ biographies

Gabriela Alexandrescu

Gabriela Alexandrescu has degrees in Management, Economics and International Humanitarian Law. She has been Chief Executive Officer of Save the Children Romania since 1993. Between 2005 and 2008, she was an elected member of the board of the International Save the Children Alliance. She also co-ordinates the campaign on banning corporal punishment and promoting positive discipline. She is part of the national governmental body that works on child labour, child abuse, trafficking and other child-related issues in Romania.

Wilma T. Bañaga

Wilma T. Bañaga is the Programme Co-ordinator for Child Protection of Save the Children Sweden in the Philippines. Before joining Save the Children, she worked with various local NGOs involved in legislative advocacy work, such as the Anti-Rape Law of 1997, the Anti-Violence against Women and their Children Act of 2004, the Reproductive Health Bill and the National Land Use Act Bill.

David Ruiz Coronado

David Ruiz Coronado was appointed Global Advocacy Advisor on child protection in non-emergency situations in January 2008, at Save the Children Sweden’s Head Office in Stockholm. Previously, he served for four years in the Mexican Ministry of Foreign Affairs as Child Protection Legal Advisor. He has also worked as Junior Professional Officer at the UN Committee on the Rights of the Child in Geneva and as Consular Officer on Child Protection at the General Consulate of Mexico in San Diego, California. In Europe, he served in the President’s Cabinet of the European Parliament and the Swedish Agency for Development Evaluation (SADEV). He is currently responsible for ensuring that the UN Study recommendations are followed up, including the prohibition of corporal punishment in all settings. He carries out advocacy with governments, the UN and the European Union to continue to build capacity, and works on programmes to address violence against children to maintain the momentum of the UN Study. He is a member of SC Alliance Task Group on Violence against Children as an advocate for children’s rights.

Chris Dodd

Chris Dodd is Co-ordinator of the Churches’ Network for Non-violence & Inter-Faith Liaison. She has worked in early childhood services, family therapy, and community development, and as a health promotion adviser focusing on the effects of family violence on mental health and the development of programmes to prevent violence against children.

Milena Grillo

Milena Grillo is the Executive Director of Fundación Paniamor, a Costa Rican private, non-profit, independent organisation, created in 1987. The organisation works in the field of children and adolescents' rights, with a special focus on preventing violence and overcoming social exclusion affecting this population.

She is a law graduate specialised in human rights, with a Masters degree in social and family violence. She has acted as a consultant and programme leading officer for governmental and non governmental international co-operation agencies in the field of public policy, violence prevention and children and adolescents' rights, including the European Commission, ECPAT International (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes), the UN Inter-regional Crime and Justice Research Institute, the UN World Tourism Organisation, Save the Children Sweden, the UN International Labour Office, UNICEF Costa Rica, the International Children Catholic Bureau, the NGO Group for the Convention on the Rights of the Child, and the Pan American Health Organisation.

She is the recipient of the 1992 Leadership Award granted by the US Child Assault Prevention Programme. She was awarded the Latin Trade Bravo Award as Humanitarian of the Year, in recognition of her work in political and social incidence in the Latin American Region.

Daksha Kassan

Daksha Kassan is a Senior Researcher in the Children's Rights Project at the Community Law Centre, University of the Western Cape. She is involved in issues relating to child justice, children used by adults to commit crime, and the welfare and protection of children in general, with a particular focus on corporal and humiliating punishment of children. She holds BA (Law), LLB and LLM (in constitutional litigation) degrees from the University of the Western Cape and is currently embarking on her LLD in law, focusing on the constitutionality of the common law rule authorising reasonable and moderate chastisement of children. She has published in the area of children's rights and presented many papers at national and international conferences. She is co-editor of *Article 19*, a publication that focuses on working towards the promotion of positive discipline and banning all forms of corporal punishment of children.

She is an Admitted Attorney of the High Court of South Africa, and has worked as an Assistant Legal Officer in the Legal Unit at the Regional Land Claims Commission of the Western Cape, at a Human Rights and Constitutional litigation law practice and at the Truth and Reconciliation Commission as an Information Analyst.

Peter Newell

Peter Newell is an advocate for children's rights in the UK and internationally. He has chaired the NGO Children's Rights Alliance for England and is Co-ordinator of the UK Children Are Unbeatable! Alliance, campaigning for abolition of all corporal punishment. In the 1990s he was Research Co-ordinator for the Commission on Children and Violence in the UK. Internationally, he is Co-ordinator of the Global Initiative to End All Corporal Punishment of Children. Together with his partner, Rachel Hodgkin, he prepared UNICEF's Implementation Handbook on the Convention on the Rights of the Child. He has worked frequently as a consultant for UNICEF, in particular

advising on general measures for implementation of the Convention of the Rights of the Child and on establishment of independent human rights institutions for children. He is also Adviser to the European Network of Ombudspersons for Children, and co-chair of the International NGO Advisory Council for follow-up to the UN Secretary General's Study on Violence against Children.

Tina Ojuka

Tina is the Regional Programme Officer on violence and adult support in the Save the Children Sweden East and Central Africa Regional Office in Nairobi, Kenya. She is an advocate by profession, and has eight years experience working in the children's sector in Kenya. She has previously worked at the Kenya National Commission on Human Rights, the Kenya Alliance for Advancement of Children, and the Children's Legal Action Network. She also co-developed the Policy on Orphans and Vulnerable Children for the Office of the Vice-President and Ministry of Home Affairs in Kenya.

Sharon Owen

Dr Sharon Owen works as a freelance writer/researcher on children's rights, with a particular focus on their rights to protection from all forms of violence and to education. For the past six years she has been the research co-ordinator for the Global Initiative to End All Corporal Punishment of Children and has undertaken various commissions from UNICEF, Save the Children and others.

Dominique Pierre Plateau

Dominique Pierre Plateau is a communications and advocacy specialist, who has been based in Southeast Asia since 1988, working on refugee, child labour, children and human rights, and development issues. He is currently Regional Manager for Child Protection for Save the Children Sweden Regional Office for Southeast Asia and the Pacific.

From 1998 until mid-2003, he was Co-ordinator of the Regional Working Group on Child Labour (RWG-CL), managing projects in South, Southeast and East Asia and the Pacific. After beginning his career in Geneva at the Headquarters of the UN High Commissioner for Refugees (UNHCR), he began working in Southeast Asia, initially with the UNHCR Delegation in Hanoi (Vietnam) [Vietnamese Boat People Voluntary Repatriation Program] and the Office of the Special Representative of the UN Secretary General (OSRSG) in Aranyaprathet (Thailand) [Land Mine Awareness Program], prior to joining the UNHCR-United Nations Transitional Authority in Cambodia (UNTAC) [Cambodian Repatriation Operation].

Among recent publications, he co-authored *How to research the physical and emotional punishment of children* (2004) and *Childrearing for peace: A search for solutions - Family life without corporal punishment in East Asia and the Pacific* (2005).

He is the International Save the Children Alliance focal point for Southeast Asia and the Pacific on Violence against Children, and a member of the East Asia Pacific Committee under the UN Study on Violence. He is also a member of the International Society for the Prevention of Child Abuse and Neglect (ISPCAN).

Monika Sarajärvi

Monika Sarajärvi has a Masters degree in Political Science with a major in Eastern European studies. She has been working in the Save the Children Europe Programme since 2004, and is currently a child protection officer based in Sweden.

Monika is a member of the 'Friends Across Borders' project co-ordination team, which addresses violence in schools, especially bullying, and aims to demonstrate links between violence at school (including from teachers) and at home (including corporal punishment).

Fernando Pereira Verano

Fernando Pereira Verano is an educator and activist for children's rights. He helped found Centros Comunitarios de Aprendizaje (CECODAP) in 1984, of which he is currently the General Co-ordinator. He is a member of the advisory team on the writing of the Organic Law for protecting children and adolescents, and a co-ordinator of the Annual Report on the situation of human rights related to children's rights in Venezuela. He is a founder member of the Venezuelan Coalition, a network for human rights of children and adolescents.

Samantha Waterhouse

Samantha Waterhouse is the Advocacy Manager at Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN), where she co-ordinates advocacy on policy and legislative reform, as well as activities aimed at social reform to realise children's rights and prevent all forms of violence and discrimination against children. She is concerned with ensuring that appropriate and integrated state policy and legislation is in place and that programmes targeted at children's rights and the prevention of child abuse and neglect are implemented and appropriately resourced by government.

Previously, she was the Advocacy Co-ordinator at Rape Crisis Cape Town Trust, where she was responsible for advocacy on policy and legislative reform, training of criminal justice system members, and court preparation of adolescent and adult witnesses. She has volunteered as a lay counsellor of rape survivors and as a community facilitator on issues of gender and sexual violence.

Beth Wood

Beth Wood has a background in social work with a particular interest in child protection. She became involved in child advocacy in the early 1990s, when working for New Zealand's first Children's Commissioner. Her last appointment before semi-retirement was as Advocacy Manager with UNICEF New Zealand. Currently, she works at the Office of the Children's Commissioner, among other things updating a parenting booklet to include information about the new law banning corporal punishment, and organising research on New Zealanders' knowledge about the new law and their information needs, including children's experience of physical punishment and knowledge of the law.

Beth co-founded EPOCH New Zealand in 1997. She co-authored *Unreasonable Force: New Zealand's journey towards banning physical punishment of children*, published in 2008 by Save the Children New Zealand.

Annex 2 – List of participants

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Annex 3 – Workshop agenda

DAY 1: 28 May 2008

Morning

0800–0830 **Registrations**

0830–0900 **Welcome** by Inger Ostergren, SC Sweden Acting Regional Representative

0900–0930 **Introductions and review of the workshop agenda**

by David Ruiz Coronado, SC Sweden, Global Advocacy Advisor

0930–1030 **Session 1:**

The physical and other humiliating punishment of children: Review of Save the Children's involvement with the issue.

Plenary presentation by David Ruiz Coronado

1030–1100 **Break**

1100–1230 **Session 2:**

The imperative to prohibit all physical and other humiliating punishment of children: global progress towards universal prohibition.

Plenary presentation by Peter Newell, Coordinator, Global Initiative to End All Corporal Punishment Children

1230–1400 **Lunch**

Afternoon

1400–1530 **Session 3:**

The elements of legal reforms

Plenary presentation by Peter Newell and Dominique Pierre Plateau, Regional Child Protection Manager, SCS SEAP, followed by plenary discussion

1530–1600 **Break**

1600–1715 **Session 4:**

Facilitating legal changes: Save the Children's and partners' progress across the world

Presentation (based on participants updates) by Dr Sharon Owen, Research Coordinator, Global Initiative to End All Corporal Punishment Children, followed by discussions

1715–1730 **Introduction to Session 5**

DAY 2: 29 May 2008

Morning

0830–1130 **Session 5:**

Including break **Review current legislation and identify the reforms required**

Facilitated by Dominique Pierre Plateau

Individual/Group work building on preparatory work submitted by the participants before the workshop.

1130–1230 **Session 6:**

Getting laws into and through Parliament: how to lobby Government and Parliament

Session chaired by Monica Sarajarvi

Presentations by Peter Newell, followed by plenary discussion, and Beth Wood (New Zealand), followed by plenary discussion.

1230–1400 **Lunch**

Afternoon

1400–1530 **Session 6 (continued):**

Getting laws into and through Parliament: Lessons from recent parliamentary campaigns

Presentations by Milena Grillo (Costa Rica), followed by plenary discussion; Wilma Banaga (Philippines), followed by plenary discussion, and Gabriela Alexandrescu (Romania) followed by plenary discussion.

1530–1600 **Break**

1600–1715 **Session 7:**

Children's participation in law reform: positive examples

Session chaired by Ulrika Sonesson

Presentations by Fernando Pereira (Venezuela), followed by plenary discussion; Tina Ojuka (Kenya), followed by plenary discussion; and Daksha Kassan (South Africa), followed by plenary discussion.

1715–1730 Introduction of evening task: review 'Frequently asked questions about prohibition' and the answers.

Propose additional questions and added arguments, to be discussed on Day 4.

DAY 3: Friday 30 May 2008

Morning

0830–1030

Session 8:

Global progress in gaining faith-based support for law reform

Session chaired by Ricardo de Paiva e Souza

Presentation by Chris Dodd, Churches Network for Non-violence, followed by plenary discussions.

1030–1100

Break

1100–1230

Session 9:

Challenges to law reform

Session chaired by Tina Ojuka

Presentation (based on participants updates) by Dr Sharon Owen, followed by group work/discussions

1230–1400

Lunch

Afternoon

1400–1530

Session 10:

Implementation of prohibition of physical and other humiliating punishment in the home and other settings

Session chaired by Rana Noueiri

Presentations by Monica Sarajarvi (Sweden), followed by plenary discussion; Beth Wood (New Zealand), followed by plenary discussion; Samantha Waterhouse (South Africa), followed by plenary discussion; and Gabriela Alexandrescu (Romania) followed by plenary discussion.

1530–1600

Break

1600–1730

Session 11:

The use of legal action and regional and international human rights mechanisms to pressure Governments to fulfil their commitments

Introduction by Peter Newell, followed by discussions.

1900–2200

Dinner reception

DAY 4: Saturday 31 May 2008

Morning

- 0830–1000 **Session 12:**
What resources are available to promote the prohibition of all physical and other humiliating punishment globally and regionally?
Session facilitated by David Ruiz Coronado and Sharon Owen
Plenary presentations/discussions and work in regional groups
- 1000–1030 **Break**
- 1030–1230 **Session 13:**
The way forward: National strategies for achieving the prohibition of all physical and other humiliating punishment
Country presentations
- 1230–1400 **Lunch**

Afternoon

- 1400–1500 **Session 13 (continued):**
- 1500–1530 **Break**
- 1530–1700 **Session 14:**
The way forward: National lobbying of international bodies and events
- 1700–1730 **Wrap-up and closing**

Annex 4 – Frequently asked questions

Note: *This is a work in progress, taking account of participants' comments during the workshop and with further revision planned. The Global Initiative intends to produce a number of versions, each targeted at a particular audience, including one for children. What follows is a basic document which we hope will be useful for adaptation as necessary. We welcome further suggestions and comments: email info@endcorporalpunishment.org.*

“Does it really hurt?”

Yes, of course it does! It hurts physically *and* emotionally. Causing physical pain to a child is itself a breach of their rights to equal protection from assault; adults often don't appreciate the impact on the dignity of the child, nor the emotional hurt that is also caused.

Under Article 12 of the UN Convention on the Rights of the Child, children have a right to express their views on all matters that concern them, and to have their views given due weight. And children are beginning to tell us how much corporal punishment hurts them physically and emotionally. As Paulo Sérgio Pinheiro explains in his report on the UN Study on Violence against Children, submitted to the UN General Assembly in October 2006: 'Throughout the study process, children have consistently expressed the urgent need to stop all this violence. Children testify to the hurt – not only physical, but 'the hurt inside' – which this violence causes them, compounded by adult acceptance, even approval, of it. Governments need to accept that this is indeed an emergency, although it is not a new emergency. Children have suffered violence at the hands of adults unseen and unheard for centuries. But now that the scale and impact of violence against children is becoming visible, they cannot be kept waiting any longer for the effective protection to which they have an unqualified right.'

And hurting and damaging children in this way hurts society too. There is a great volume of research into the effects of corporal punishment and it convincingly confirms its potential damage, short and long term. '*Corporal punishment by parents and associated child behaviours and experiences*', a meta-analysis of 88 research studies published in 2002, overwhelmingly testifies to the dangers (see www.endcorporalpunishment.org/pages/pdfs/Gershoff-2002.pdf). But while the findings are unsurprising, they are also in a sense irrelevant. We would not look for research into the effects of hitting women or elderly people to justify prohibition: it is a matter of fundamental rights.

“Why is it so difficult to give up hitting children?”

If adults, including politicians, found this issue easy, we would have accepted long ago that children have exactly the same rights as the rest of us to respect for their human dignity and physical integrity and to equal protection under the law. In fact we would be likely to accept that children, who start off very small and very fragile, have a right to *more* protection than adults.

It is difficult for adults to give up what they still perceive of as a 'right' to hit and hurt children in

the name of ‘discipline’ or control. This seems to stem from personal experience. Most people everywhere were hit as children by their parents. Most parents have hit their own children. None of us likes to think badly of our parents, or of our own parenting, and this makes it challenging for many people, including politicians and opinion leaders, and even those working in child protection, to perceive of corporal punishment as the fundamental issue of equality and human rights that it is. This is not a matter of blame – parents have acted in accordance with social expectations – but the time has come to move on to positive, non-violent relationships with children.

In aiming to eliminate corporal punishment, we are simply extending to children the full protection from assault and other cruel or degrading punishment which we as adults take for granted for ourselves.

Another reason for the difficulty is that adults often hit children because they are angry, or stressed, or at the end of their tether. Many adults know, in their heart of hearts, that the hitting is an emotional response to what is happening rather than a rational decision to ‘discipline’ the child. The more this happens, the more hitting a child becomes an automatic way of dealing with troublesome behaviour. It is not easy to change automatic behaviours. But the fact is that they can be changed, as governments invest in public education and awareness raising about positive, non-violent ways of bringing up children, parents will develop a whole range of ways to deal with behaviour they don’t like without feeling the need to assault their children.

A third reason adults find it difficult to give up hitting children, and to give up the idea that this is acceptable as a way of disciplining them, is lack of knowledge about alternatives. As mentioned above, law reform should be accompanied by education of parents, children and society generally about the very many positive and non-violent ways that adults can relate to children. But it is important to remember that we don’t have to wait until adults know how to bring up children without hitting them before prohibiting corporal punishment by law, any more than we have to wait until men know how to treat women properly before enacting legislation on domestic violence.

“Opinion polls say that most people are against a formal ban on corporal punishment”

The results of polls generally depend on how crudely questions are phrased and on how much information the respondents have. If people are fully informed about the issue, the existing inequality of protection for children and the purpose of a ban, they may well support prohibition. But in any case, on this issue like others – violence against women, race discrimination – politicians have to lead, not follow public opinion. They must emphasise the government’s absolute human rights obligation to ensure that the law provides children, like adults, with full protection of their human dignity.

Almost all the countries that have prohibited all corporal punishment have done so ahead of public opinion, but public opinion has quickly come round to support the change. In a few years time we will look back in wonder – and with shame – at the time when it was regarded as lawful and acceptable to hit children.

“If parents are forced to give up using corporal punishment, won’t children end up spoilt and undisciplined?”

No! Discipline is not the same as punishment. Real discipline is not based on force. It grows from understanding, mutual respect and tolerance. Babies start off completely dependent, and as they grow, they rely on adults – especially their parents – to guide and support them towards self-disciplined maturity. Corporal punishment tells children nothing about how they should behave. On the contrary, hitting children is a lesson in bad behaviour. It teaches children that their parents, whom they hopefully love and respect, find it acceptable to use violence to sort out problems or conflicts.

Hitting children – and doing so lawfully – also sends a confusing message to children that although they shouldn’t hit other children and adults shouldn’t hit other adults, it is OK for adults, who are bigger and stronger, to hit children, who are usually smaller and more vulnerable. Children learn from what their parents do, not just from what they say.

Corporal punishment and other cruel and degrading forms of punishment are no substitute for positive forms of discipline which, far from spoiling children, are designed to ensure that they learn to think about others and about the consequences of their actions. States have an obligation to support positive parenting. There are lots of materials available promoting positive parenting and education without violence, which can be adapted and translated for use in every country

“I was hit as a child and it didn't do me any harm. In fact, I wouldn't be where I am today if it were not for my parents physically punishing me.”

How do you know this? None of us knows how we would have turned out if our parents had never hit or humiliated us. And how many people, in saying it did them no harm, are denying the hurt they experienced when the adults closest to them thought they could only teach them by inflicting pain?

People usually start hitting children because they themselves were hit as children, though, according to research, they often feel guilty about it afterwards. But they continue to hit their children, especially when they are at the end of their tether. It is pointless to blame previous generations for hitting children, because they were acting in accordance with the pervasive culture of the time. At the same time, it is wrong to resist change because we are afraid of appearing to criticise our parents. Times change and societies move on. Recognition of children as rights holders requires action to end the legality and social acceptance of violence against children, just as societies have moved to end acceptance of violence against women.

A variant of this argument is: “I was hit as a child and I turned out OK.” There are people who have endured all kinds of bad experiences while growing up who have ‘turned out OK’ as adults, but nobody would say that what they experienced was good. Often it is the way they have dealt with their experiences and turned their lives around that has helped them to appreciate themselves as decent human beings.

Most children who have been involved in research into corporal punishment and have shared their own experiences of being corporally punished, even when they try and justify being hit as neces-

sary because of their behaviour, state that they will not use corporal punishment on their own children when they grow up.

“Parents have a right to bring up their children as they see fit. They should be challenged only in extreme cases, such as child abuse.”

Societies are moving on from seeing children as their parents’ property to seeing them as people in their own right. As human beings, children enjoy human rights – and these do not stop at the front door of their home. Children have the same right as all other family members to protection from being hit, and it is no more invasive to insist that the law protect children in the home than to insist that men stop beating their wives.

The UN Convention on the Rights of the Child upholds the importance of the family and promotes the concept of parental responsibilities, with children’s best interests as parents’ basic concern (article 18). Some people argue, perversely, that hitting a child in the name of discipline is, in fact, in the child’s best interests in the long term. But as the Committee on the Rights of the Child has stated (General Comment No. 8, para.26): ‘... interpretation of a child’s best interests must be consistent with the whole Convention, including the obligation to protect children from all forms of violence and the requirement to give due weight to the child’s views; it cannot be used to justify practices, including corporal punishment and other forms of cruel or degrading punishment, which conflict with the child’s human dignity and right to physical integrity.’

“There is a big difference between beating a child and a loving smack.”

One hurts physically more than the other, but both are on a continuum of violence and both breach a child’s equal right to respect and physical integrity. Societies do not draw lines and try to justify any level of violence when challenging violence against women, or against elderly people. So why should they when it comes to children?

And the dangers of making any connection between loving and hurting people should be obvious. A ‘loving smack’ is a contradiction of the worst kind. This seemingly harmless term is a veil behind which rights violations can hide.

One variation on this argument is that “there is a big difference between child abuse and a light smack”, focusing less on the ‘loving’ intention of the violence and more on the degree of violence used. But again, whatever the severity of the hitting, it breaches the child’s right to respect for his or her physical integrity, and *all* hitting that is regarded as lawful reflects a violation of children’s right to equal protection from assault under the law.

Law makers and governments have traditionally separated ‘child abuse’ and ‘corporal punishment’, but most abuse is corporal punishment – adults attacking children to punish them and gain control. There is no such threshold in the case of violence against women, where zero-tolerance clearly conveys the message that all violence is unacceptable. But for children, there is an arbitrary distinction between violence in the form of punishment, which is acceptable, and ‘abuse’, which is not. In reality, it is not possible to differentiate between child abuse and corporal punishment – all mistreatment of children comes in the form of correction, and all involves humiliation.

“Why not define safe smacking, rather than prohibit all of it?”

There is no such thing as ‘safe’ smacking. All smacking invades a child’s physical integrity and shows disrespect for their human dignity. A few countries have attempted to define acceptable ways of hitting children – at what age, on what parts of the body, with what implements and so on. This is a very disreputable exercise. We would not think of trying to define acceptable ways of assaulting women, or elderly people, or any other population group. Children have a right to equal protection from assault. If anything, children, generally smaller and more fragile than the rest of us, have a right to more protection.

“I only smack my children to stop them from hurting themselves.”

This is nonsensical. Can you imagine advising parents that when their children are in danger they should hit them? Of course not: smacking is not protecting! Parents have to use physical actions to protect children – especially babies and young children – all the time. It is a natural part of parenting. If a child is crawling towards a fire, or running into a dangerous road, of course parents use physical means to stop them – grab them, pick them up, show them and tell them about the danger. But to cause them pain by hitting them completely undermines the message that they must learn to keep themselves safe and that, until they can do so, their parents will keep them safe. As the Committee on the Rights of the Child explains (General Comment No. 8, para. 14): ‘... parenting and caring for children, especially babies and young children, demand frequent physical actions and interventions to protect them. This is quite distinct from the deliberate and punitive use of force to cause some degree of pain, discomfort or humiliation. As adults, we know for ourselves the difference between a protective physical action and a punitive assault; it is no more difficult to make a distinction in relation to actions involving children.’

It is sometimes exclaimed: “If all physical punishment is prohibited, parents won’t be able to grab their children to keep them safe, change a nappy against a child’s will, put an unwilling child to bed.” But there is a very clear distinction between using force to protect children and use of force to punish and deliberately hurt them. The law in all states, explicitly or implicitly, allows for the use of non-punitive and necessary force to protect people. Removing the right to use force for punishment does not interfere with this at all.

“My religion requires me to use corporal punishment.”

Religious freedom cannot run counter to human rights. As the Committee on the Rights of the Child makes clear (General Comment No. 8, para. 29): ‘Some raise faith-based justifications for corporal punishment, suggesting that certain interpretations of religious texts not only justify its use, but provide a duty to use it. Freedom of religious belief is upheld for everyone in the International Covenant on Civil and Political Rights (Art. 18), but practice of a religion or belief must be consistent with respect for others’ human dignity and physical integrity. Freedom to practise one’s religion or belief may be legitimately limited in order to protect the fundamental rights and freedoms of others.’

Religious extremists who advocate ritualistic hitting of children with implements need to be condemned by mainstream religious opinion and by society as a whole. Leading faith figures are now

joining the campaign for abolition of all corporal punishment. At the 2006 World Assembly of Religions for Peace in Kyoto, Japan, more than 800 faith leaders endorsed ‘a religious commitment to combat violence against children’, which urges governments to adopt laws in compliance with the Convention on the Rights of the Child and to prohibit all violence, including all corporal punishment.

“Many parents are bringing up their children in desperate conditions, and teachers and other staff are under stress from overcrowding and lack of resources. Banning corporal punishment would add to the stress and should be delayed until conditions improve.”

This argument is a tacit admission of an obvious truth: corporal punishment is often an outlet for adults’ pent-up feelings rather than an attempt to educate children. In many homes and institutions adults urgently need more resources and support, but however real adults’ problems may be, venting them on children cannot be justifiable. Children’s protection should not wait on improvements in the adult world, any more than protection of women from violence should have had to await improvement to men’s conditions.

In any case hitting children is ineffective in relieving stress. Adults who hit out in temper often feel guilty; those who hit in cold blood find they have angry and resentful children to cope with. Life in homes and institutions where corporal punishment has been abandoned in favour of positive discipline is much less stressful for all.

In conflict-ridden countries, adults working with children, including parents and teachers, are themselves victims of violence and humiliation. They agree on protecting children’s rights, but question who is fighting for their rights. Clearly, these breaches of rights must be addressed but children should not have to wait until adults are able to enjoy their own rights. *All* people have rights to respect for this dignity and physical integrity and to equal protection under the law – and children are people too.

“This is a white, Euro-centric issue. Corporal punishment is a part of my culture and child-rearing tradition. Attempts to outlaw it are discriminatory.”

The idea that hitting children can be a matter of cultural pride is unacceptable. In any case, historically, the hitting of children seems to be a white tradition, exported to many parts of the world through slavery and colonialism and some missionary teaching. It appears that the only cultures where children are rarely or never physically punished are small, hunter-gatherer societies, arguably among the most ‘natural’ of all human cultures, though now rapidly vanishing under the impact of urbanisation.

But the point is that human rights are universal, and children the world over have the right to live lives free from all forms of violence. Yet children everywhere are subject daily to violence at the hands of their parents. *All* cultures have a responsibility to disown corporal punishment, just as

they have disowned other breaches of human rights which formed a part of their traditions. The Convention on the Rights of the Child upholds *all* children's right to protection from all forms of physical or mental violence, without discrimination on grounds of race, culture, tradition or religion. There are movements to end corporal punishment of children in all continents. School and judicial beatings have been outlawed in many states in all regions of the world.

“If corporal punishment of children is criminalised, thousands of parents will be prosecuted and many more children will be placed in state care.”

The point of a law banning all corporal punishment is not about putting parents in jail. It is about learning positive parenting. There is no evidence of increased prosecution of parents from the growing number of countries where corporal punishment is criminalised. Banning corporal punishment fulfils states' human rights obligations to children. Its first purpose is educational – to send a clear message into the 'privacy' of the home that it is no more acceptable or lawful to hit a child than to hit anyone else. Guidance to all those involved in child protection, including the police and prosecuting authorities, should ensure that implementation of the law is focused on the best interests of the child. Prosecution and other formal interventions are unlikely to benefit children unless they are the only way to achieve necessary protection from significant harm.

“Banning physical punishment will just lead to children being treated in more horrible ways – emotional abuse, humiliation or locking them up.”

Children have a right to protection not only from corporal punishment, but also from all other forms of cruel or degrading punishment or treatment. Law reform needs to be linked to awareness raising and promotion of positive, non-violent relationships with children. Parents want their children to have the best possible start in life. Parents who hit their children do not feel good about it – they generally feel upset and guilty. Most of them would welcome advice on how to prevent and solve conflicts with their children. Positive parenting policies help parents enable their children to understand, accept and respect rules (discipline) without using any kind of violence, physical or emotional. Moving on from hitting and humiliating children to regarding them as people and rights-holders alongside the rest of us improves family life for everyone.

“Why bring the law into this? Why not just educate parents away from using corporal punishment?”

Educating parents away from something that is lawful is confusing and difficult. The assumption is that “if the law allows it then it must be OK”. Education is much more effective when the law gives the same message.

Elimination of all corporal punishment and other cruel or degrading punishment requires both education and prohibition. It is not a matter of choice. Human rights demand that children have

at least the same legal protection as adults – in the family and everywhere else – now. The law in itself is a powerful educational tool, and of course law reform banning corporal punishment needs to be linked to public and parent education. A ban will motivate parents to look into positive ways of educating their children and motivate professionals, politicians and media to resource and provide this education.

Annex 5 – Summaries of participants’ draft national strategies to achieve full prohibition

During the workshop, participants were asked to draft national strategies to pursue law reform, building on the sessions of the workshop. This involved identifying the current legality of corporal punishment of children in different settings, including gaps in the information which would need to be researched, and drafting detailed plans to achieve explicit prohibition in all settings, bearing in mind the deadline of 2009 set by the UN Study recommendations. Participants were asked to identify the particular challenges faced in their situations, and to begin thinking about ways to address these.

The following summaries are based on the draft strategies developed during the workshop. They represent work in progress and will inevitably be further developed in consultation with national partners following the workshop. Please contact the representative of the state concerned for further details (see participants’ list, Annex 2).

Botswana

Current legal situation

Corporal punishment is lawful in all settings. The Children’s Bill would prohibit judicial corporal punishment but this would not apply to customary courts; the Bill confirms the right to administer “reasonable” correction by prohibiting only “correction which is unreasonable in kind or in degree” (section 84).

Proposed strategy to achieve prohibition

The plan is to (i) rally other civil society organisations to form an alliance or reference group (June 2008); (ii) approach the Parliamentary Legal Committee on how to ensure that the Children’s Bill includes explicit prohibition; (iii) pursue a test case challenging the constitutionality of corporal punishment (ongoing); (iv) raise the issue of corporal punishment in alternative reports to the UN Committee on the Rights of the Child and the African Committee of Experts on the Rights and Welfare of the Child (2008) and in the alternative report to the UN Human Rights Council for the Universal Periodic Review (July 2008); (v) approach the Botswana Council of Churches to gain support (June 2008); (vi) engage the Department of Social Services and the Ministry of Education through awareness-raising workshops; (vii) conduct research with children; (viii) engage the media.

Major challenges include other issues being seen as a higher priority and high level supporters of corporal punishment. These can be addressed by making the link between corporal punishment and global and societal violence generally in order to highlight the urgency of the issue, and by identifying key high level supporters of prohibition.

Brazil

Current legal situation

Corporal punishment is unlawful as a sentence for crime but there is no explicit prohibition in relation to any other setting, and the Civil Code specifically authorises “moderate” punishment of children by parents (article 1638). Draft legislation which would have explicitly prohibited in all settings succeeded through three commissions in the House of Representatives but was blocked on appeal by the Evangelical Group in 2006.

Proposed strategy to achieve prohibition

The Brazilian Network *Não Bata, Eduque* will ensure the bill is re-submitted in 2009, following elections. Preparation for this will include revising the text of the draft law, seeking expert advice on the parliamentary process itself, strengthening the network of support, continuing the campaign launched in 2007, and developing effective child participation.

Cambodia

Current legal situation

Corporal punishment is prohibited in schools and the penal system but the law relating to penal institutions is vague and leaves room for interpretation. Corporal punishment is lawful in the home, alternative care settings and situations of employment. The Civil Code confirms the right of persons with parental authority to discipline their children “within the necessary scope” (article 1044) and the Domestic Violence Law 2005 possibly exempts disciplinary physical punishment of children from its scope. A Criminal Code Bill and Juvenile Justice Bill have long been under discussion.

Proposed strategy to achieve prohibition

The strategy focuses on (i) reforming the law –reviewing the Juvenile Justice Bill, Criminal Code Bill, Civil Code, Domestic Violence Law and labour laws to identify and advocate for necessary amendments, with reference to relevant research; (ii) conducting national research, ideally in collaboration with UNICEF, World Vision and Plan, and identifying other relevant studies in the region; (iii) child participation – undertaking child led research as a first step in awareness-raising, with the assistance of the Youth Advisory Panel at Save the Children Australia, Children Committee partner of Save the Children Norway and the Research Ethics Review panel, and involving children in peer awareness-raising activities, with training and support; (iv) advocacy and awareness-raising – identifying key ministers and ministries to advocate for prohibition and channeling discussions through the Orphans and Vulnerable Children task force and the Cambodian National Council for Children, raising the issue with existing networks and planning a national campaign for 2008, identifying key individuals at community level (e.g. religious leaders), using the mass media, disseminating publications, and developing a joint Save the Children national strategy for prohibition.

Ethiopia

Current legal situation

Corporal punishment is explicitly prohibited in schools, the penal system and care institutions in the Constitution, but it is lawful in other alternative care settings and in the home. The Criminal Code and the Revised Family Code authorise “disciplinary measures” by parents and others with parental responsibility (articles 576 and 258 respectively). In schools, ministerial directives reflect the Constitutional prohibition but there is no explicit prohibition in primary legislation. There is no explicit prohibition in situations of employment.

Proposed strategy to achieve prohibition

The following strategies are proposed: (i) public education and awareness-raising on non-violent disciplinary methods in care and education, including through parent education and teacher training, mainstreaming the issue of corporal punishment in child rights focused governmental and non-governmental organisations, using the media for expression of public views, and maximising opportunities offered by special events (e.g. Day of the African Child); (ii) children and youth participation – facilitating child participation in media debates, enabling participation in law reform process through existing structures (school child rights clubs, children’s parliament), supporting youth led organisations, and arranging national consultative meetings for the children’s parliament and MPs of the Federal State; (iii) collaborative and coordinated approach to law reform initiative, including through identifying key stakeholders and prominent individual child rights activists; (iv) support law reforming group of experts by organising an experience-sharing visit and supporting the group to organise community discussion forums; (v) research and documentation – learning from countries which have achieved prohibition and documenting and disseminating case studies and best practice within the country.

Fiji

Current legal situation

Corporal punishment was declared unlawful in schools and in the penal system by a High Court ruling in 2002, but there is no prohibition in legislation in relation to schools and the Penal Code provisions for judicial corporal punishment have yet to be repealed. Corporal punishment is lawful in the home and alternative care settings. The Juveniles Act confirms the rights of parents, teachers and others with lawful control of a child “to administer reasonable punishment” (article 57).

Proposed strategy to achieve prohibition

The strategy builds on work already undertaken to address corporal punishment, including research, awareness-raising, child participation initiatives and legal reviews. It includes compiling relevant information from the various legal reviews into a single report; drafting prohibiting legislation; building support from NGOs, community-based organisations and faith groups through consultations; continued lobbying at all levels and within the National Coordinating Committee on Children (NCCC); endorsing the draft legislation (or legal opinion) through the NCCC who

will pursue reform through government and the Fiji Law Reform Commission; establishing violence against children as a priority issue in the 2009 elections; and developing child participation through a children's forum and a children's campaign. Particular challenges include the frequent coups and associated disregard of the Constitution, and the dangers of criticising the military when it is in power. Ways of addressing these and other challenges include training for all working with and for children, awareness-raising on the law and children's right to protection, and working with the police.

Indonesia

Current legal situation

Corporal punishment is unlawful as a sentence for crime under the Criminal Code but lawful under Sharia law in Aceh and other regions. It is lawful in the home, schools, penal institutions, alternative care and situations of employment. A Criminal Law Bill is being discussed in parliament.

Proposed strategy to achieve prohibition

A number of starting points for pursuing law reform are identified: (i) advocacy with UNICEF and the Ministry of Child Protection to include prohibition in the National Plan of Action to Eliminate Violence Against Children; (ii) ensure that prohibition in all settings is included in the Criminal Law Bill; (iii) lobby for full incorporation of the Convention on the Rights of the Child in national law; (iv) ensure that prohibition maintains its priority within the Unification Process; (v) investigate how to strengthen article 54 of the Child Protection Law to prohibit corporal punishment in schools without undermining the need for prohibition in other settings. The strategy identifies specific organisations and individuals that are potential supporters/partners and specific media opportunities. Challenges include the forthcoming national elections (June 2009), the widespread acceptance of corporal punishment in all settings including under Sharia law, and the very slow process of reform.

Japan

Current legal situation

Corporal punishment is prohibited in schools and the penal system, although over the years there have been various definitions of what exactly is prohibited and permitted in schools. Corporal punishment is lawful in the home and alternative care settings, and the Child Abuse Prevention Law and the Civil Code confirm the right of parents to discipline their children (articles 14 and 822 respectively).

Proposed strategy to achieve prohibition

The aim is to amend article 14 of the Child Abuse Prevention Law to explicitly prohibit corporal punishment, including a definition if necessary. Four awareness-raising strategies were identified:

(i) targeting groups who will listen (identifying and enlisting parliamentarians, gaining support from the business sector, building partnerships with civil society); (ii) getting media attention; (iii) identifying a celebrity spokesperson; (iv) facilitating children's participation.

Kenya

Current legal situation

Corporal punishment is unlawful as a sentence for crime. It is prohibited in schools by the repeal of the enabling legislation in the Education Act, confirmed in the Draft Constitution yet to be adopted. But there is no explicit prohibition in penal institutions, alternative care settings and the home, and the Children Act authorises a parent or other person with lawful control of a child "to administer reasonable punishment" (article 127). The Children Act is under review but there is no specific proposal to prohibit corporal punishment by parents.

Proposed strategy to achieve prohibition

Three steps are identified, building on efforts already undertaken to raise awareness about the problem of corporal punishment and to promote positive, non-violent disciplinary approaches to child-rearing and education: (i) identify relevant stakeholders to disseminate workshop proceedings and form a working group for follow up; (ii) mobilise all key stakeholders to form a working group to improve this strategy (National Council of Children's Services (NCCS), Kenya Law Reform Commission, Ministry of Gender and Children); (iii) assess existing legal provisions on corporal punishment and their enforcement. The proposed working group will ensure that the NCCS brief their respective ministries, develop a strategy for using the media as an advocacy tool, identify a focal point in Parliament to facilitate access to parliamentarians and develop a child participation strategy. ANPPCAN Kenya in consultation with the working group will develop reader friendly materials and disseminate these to target groups. ANPPCAN Kenya will develop a strategy for providing feedback to children and relevant stakeholders on all laws that have been revised/amended.

Lebanon

Current legal situation

Corporal punishment is prohibited in the penal system but is lawful in the home, schools and alternative care settings and there is no explicit prohibition in situations of employment. The Penal Code allows teachers and parents to inflict discipline "as sanctioned by general custom" (article 186) and Law 422 for the Protection of Juvenile Delinquents and Endangered Juveniles allows for a level of physical assault which is "culturally accepted as harmless corporal punishment". Legislation is being drafted by Save the Children and partners (including a government body) with the aim of full prohibition.

Proposed strategy to achieve prohibition

Government/parliament will be approached by way of parliamentary briefings, liaison with parliamentary allies, and through UNICEF. The draft protection law will be revised so as to include explicit and comprehensive prohibition, including repeal of specific laws as necessary. Child participation will be ensured by raising awareness among children's groups, by involvement in the drafting of the law (for feedback, advocacy and awareness-raising in implementing the law), and by making their voices heard on the impact of corporal punishment. Use will be made of the media, which is easily accessible, to raise awareness of the effects of corporal punishment and of the new law when enacted, and in national debates on the issue. Challenges include a belief that existing law is sufficient, the position of religious/traditional leaders, and the idea that prohibition is a western construct. These can be overcome by demonstrating the need for a new law through a comparison of the draft with existing law, by working on religious texts, and by reminding people of the countries that were involved originally in developing the Convention on the Rights of the Child.

Lithuania

Current legal situation

Corporal punishment is unlawful as a sentence for crime but there is no explicit prohibition in relation to any other setting, and the Law on the Fundamentals of Protection of the Rights of the Child allows for "appropriate discipline" (article 49). In 2006, the Government stated its intention to prohibit but went on to accept the recommendation of the Lithuanian Institute of Law that separate legislation was unnecessary and the "anti-spanking" law was not approved. Current draft legislation prohibits only "physical violence".

Proposed strategy to achieve prohibition

Previous efforts towards law reform will be evaluated to ensure a clear focus on law reform, e.g. in the "Educate responsibly" campaign launched in May 2008. Work with parliament and government will include familiarisation with the parliamentary process, analysis of domestic law and international human rights obligations, collaboration with the Child Rights Ombudsperson and other MPs known to support prohibition, lobbying of other members (and identification of opposition) and influencing the preparation of the report to the UN Committee on the Rights of the Child due in February 2009. Previous child participation initiatives will be developed to maximise children's voices in calling for prohibition, including through involvement in round table meetings with government and civil society. The use of the media to date will be evaluated and redeveloped so as to present a clear message against corporal punishment. Collaboration with other organisations will be pursued to strengthen the support base and improve coordination of efforts towards reform. The strategy is to be developed further following discussion with Save the Children Lithuania staff.

Mongolia

Current legal situation

Corporal punishment is prohibited in schools and as a sentence of the courts but there is no explicit prohibition in the home, penal institutions and alternative care settings. Legislation is being drafted to prohibit in all settings and is due to be presented to parliament in late 2008.

Proposed strategy to achieve prohibition

The aim is to prohibit all corporal punishment by 2009-2010, together with development of the national child protection system to ensure effective implementation. This will be achieved in the home and alternative care settings by amending the Family Law, and in penal institutions by amending criminal law. The strategy focuses on (i) alliance building (NGOs, lawyers, prominent individuals); (ii) child participation (reporting to the UN Committee on the Rights of the Child in 2008, media work); (iii) media campaigning, lobbying (targeting the relevant ministries and task group leaders and identifying high level supporters) and (iv) sharing experience and resources (between national organisations and between countries). The strategy details specific activities to be undertaken between June and November 2008, including establishing an NGO task group, reviewing existing laws and finalising the text of the draft legislation (Jun); engaging with the alternative reporting process on implementation of the Convention on the Rights of the Child; identifying supporters and opponents among new government members and planning the media campaign (Jul/Aug); lobbying MPs, preparation of spokespersons and launch of the media campaign (Sept); and launching the alternative and children's reports on implementation of the Convention on the Rights of the Child (Oct/Nov).

Mozambique

Current legal situation

Corporal punishment is unlawful as a sentence for crime and is prohibited in penal institutions under the Child Act which will enter into force in September 2008. It is lawful in the home, schools and alternative care settings. There is no explicit prohibition in situations of employment. The Child Act states that the child has a "right to be disciplined" and that no disciplinary measure is justifiable if the child cannot understand its purpose (article 17). The Penal Code and a Law against Domestic Violence Bill are under revision.

Proposed strategy to achieve prohibition

The plan is to (i) create and rally other civil society organisations to form an alliance or core group to revise existing laws, propose amendments and identify opportunities within the current legal reform process; (ii) gain support from representatives of the African Council of Churches and identify supporting national religious leaders; (iii) collaborate with Plan International on a research study; (iv) lobby parliamentary Social Affairs, Human Rights and Legislation Committee for explicit prohibition; (v) ensure inclusion of corporal punishment in the 2008 alternative report to the

UN Committee on the Rights of the Child; (vi) engage with the Ministry of Education, Women and Social Welfare and with the Justice Ministry to confirm in law the ministerial directive banning corporal punishment in schools and to include explicit prohibition in regulations still to be developed under the Child Act; (vii) engage with the media; (viii) identify key individuals to lobby government/parliament; (ix) identify other potential stakeholders (medical, academic) and conduct seminars to raise awareness and enlist support.

Nepal

Current legal situation

Corporal punishment is not explicitly prohibited in any setting, though in 2005 the Supreme Court declared the legal defence available to parents, guardians and teachers in the Child Act (but not the Civil Code) null and void. The Education Act Bill would prohibit in schools and a Children's Bill is under discussion

Proposed strategy to achieve prohibition

The proposed plan is developed around the following issues: (i) situation research – on children's experiences leading to recommendations by children, on existing policy and law leading to specific recommendations for reform, and document research into prevalence and best practice worldwide leading to best alternatives and recommendations; (ii) development of messages and a slogan, and production of campaign resources; (iii) identification of key supporters and organisations to be targeted; (iv) lobbying for prohibition and campaigning against corporal punishment particularly through key supporters and organisations and using the mass media; (v) supporting the process of re-drafting legislation – lending expertise to the legal review process, re-drafting legislation, and providing financial support (seminars, printing costs). Particular challenges include the complex, long and slow process of law reform and the preoccupation with the constitution.

Nicaragua

Current legal situation

Corporal punishment is prohibited in schools and the penal system but not in the home, alternative care settings and situations of employment. The Revised Penal Code and the Draft Family Code (article 279) allow for "moderate correction". Legislation is being drafted with the support of the special ombudswoman for children's rights but prohibition has not yet been raised with government/parliament.

Proposed strategy to achieve prohibition

The aim is to enact legislation prohibiting in all settings by including explicit prohibition in the Family Code, removing the authorisation of corporal punishment from the Penal Code, and strengthening the prohibition in schools by way of a ministerial regulation. Other aims are to sen-

sitise the public by raising public debate about law reform and to promote attitudinal and behavioural change by supporting implementation of law reform. This will include strengthening and expanding the multisectoral steering group, analysing the current legal framework and finalising the draft legislation, approaching decision makers in parliament and government, building the evidence base through literature reviews, producing factsheets, capacity building through workshops and seminars focused on the need for law reform, and organising a multi-media public education campaign. The plan identifies concrete ways to address and overcome the most significant challenges.

Palestine

Current legal situation

Corporal punishment is prohibited in schools run by the UN Relief and Works Agency but is lawful in all other settings. The Jordanian Penal Code, applicable in the West Bank, permits “disciplinary beating of children by their parents in a manner allowed by public customs” and states that injuries inflicted in the course of discipline are not considered an offence (articles 62 and 333 respectively). In Gaza, a British penal code permits corporal punishment of children as a sentence for crime, and Sharia law is possibly being implemented under the Hamas government. At the Israeli state level, the Military Orders imposed on the Occupied Palestinian Territory and which govern all aspects of life do not explicitly refer to the full prohibition of corporal punishment in Israeli law. In 2005 the Palestinian National Authority pledged to uphold the provisions of the Convention on the Rights of the Child. Proposed amendments to the Palestinian Child Law have been received by the Palestinian Legislative Council, but since 2006 further progress has been prevented by the political situation. Palestinian children in the East Jerusalem area are legally protected by the prohibition of all corporal punishment in Israeli national law.

Proposed strategy to achieve prohibition

The proposed strategies are (i) research – review of existing and draft legislation and assessment of the situation in the Gaza Strip; (ii) pilot workshops with other Save the Children members; (iii) identification of lead child rights organisations and networks; (iv) development of materials and documentation; (v) establishment of a network to work towards prohibition; (vi) engagement of a professional and experienced lawyer to formulate a legal opinion and review case law; (vii) identification of opponents; (viii) awareness-raising on the impact of corporal punishment and on the Convention on the Rights of the Child; (ix) advocacy and lobbying – including child participation in relation to all settings and encouragement of collaboration between ministries; (x) capacity building – promoting alternatives to corporal punishment to parents, teachers, social workers, police officers and government officials; (xi) drafting the necessary legislation and ensuring it is enacted; (xii) developing ministerial policies and regulatory frameworks to ensure implementation of the prohibition; (xiii) follow up, monitoring and reporting, and feedback to the Palestinian Legislative Council. Particular challenges include the different processes of legal reform in the West Bank and the Gaza Strip, and the current inactivity of the Palestinian Legislative Council due to the detention of MPs in Israel. There is a high level of mistrust towards government bodies and public institutions because of the long absence of a government structure and the current difficulties facing the Palestinian National Authority. The typical reliance on traditional legal systems tends

to undermine the seriousness with which legislation is regarded. Meeting these challenges will involve, among other things, making best use of the strong civil society and raising awareness using the mass media.

Papua New Guinea

Current legal situation

Corporal punishment is prohibited in the penal system but is lawful in the home, schools, alternative care settings and situations of employment. The Criminal Code confirms the right of those with parental authority and of teachers to use “reasonable” force “by way of correction” (article 278), and the Constitution exempts “reasonable” acts “in the course of education, discipline or upbringing of the child” from the protections related to liberty of the person (article 42).

Proposed strategic plan to achieve prohibition

Building on progress already made in relation to violence against children, the strategy involves (i) an evidence-based advocacy campaign using high-profile personalities; (ii) compilation of a single report on laws relevant to corporal punishment and inclusion in the Constitutional Law Reform process; (iii) drafting of comprehensive prohibiting legislation; (iv) gaining NGO support through consultations; (v) sensitising the media to the issue. Government is to be approached through the production of reader-friendly documents relating to the Convention on the Rights of the Child and the UN Committee on the Rights of the Child and summarising research with children. Children will participate through relevant training for children and volunteers, child-led community-based research, and child participation in analysis of research, in making and publicising recommendations and in drafting new legislation. Challenges to reform include the high prevalence and acceptance of violence generally in society, religious resistance and traditional customs such as apology/compensation and payback. Ways to overcome these and other challenges include identifying supportive key religious leaders as spokespersons, engaging with traditional elders on the subject of raising children, and training in and promotion of positive discipline among NGOs and in teacher training.

Peru

Current legal situation

Corporal punishment is unlawful as a sentence for crime but is not explicitly prohibited by law in any other setting, and the Code of Children and Adolescents and the Civil Code specifically provide for “moderate correction” (articles 74 and 423 respectively). In December 2007 Congress stated its all-party commitment to prohibition and legislation has been drafted which is to be submitted to Congress through the Children’s Ombudsman in June 2008.

Proposed strategy to achieve prohibition

The “Goodbye to Corporal Punishment” campaign focuses on the impact of child and adolescent organisations in eliminating corporal punishment and the promotion of a “pedagogy of tenderness” in parenting and education, and aims to achieve prohibition by amending the Child and Adolescent Code. Child participation plays a key role in the law reform process, including in proposing and monitoring the passage of the bill and in mobilising community and societal support for prohibition and defence of children’s rights. The campaign draws on, among other things, the Committee on the Rights of the Child’s recommendations to Peru and General Comment No.8, the UN Study on Violence against Children and recommendations, and the recommendations of the Peruvian Commission of Truth and Reconciliation.

Philippines

Current legal situation

Corporal punishment is prohibited in schools, the penal system and in some alternative care settings, but it is lawful in the home and in other alternative care settings and the “right to discipline” is recognised in a number of laws (e.g. Family Code, Child and Youth Welfare Code, Muslim Personal Law, Rules and Regulations on the Reporting and Investigation of Child Abuse Cases). Bills which would prohibit in all settings by amending various laws have been filed at the Senate and the House of Representatives but have not yet been filed for public hearing and a more comprehensive bill is being drafted

Proposed strategy to achieve prohibition

The strategy to achieve reform comprises (i) strengthening the support base – through capacity building, developing coordination and information-sharing, establishing new links, influencing partner networks and engaging with professionals, religious groups and special interest groups; (ii) awareness-raising and public education – promotion of positive discipline and development/dissemination of relevant materials, media work; (iii) evidence-building – developing model child protection systems, continued monitoring of children’s experiences of corporal punishment; (iv) lobbying in Congress – meetings with individuals, policy forums, monitoring progress of the bill; (v) facilitating child participation – supporting community-based and children-initiated actions, creating mechanisms for children’s involvement in the legal reform process, and building children’s capacities to participate. Particular challenges include gaining the support of religious (especially Catholic) groups and sustaining the campaign and the work of networks and partner organisations.

South Africa

Current legal situation

Corporal punishment is unlawful in all settings except the home and informal alternative care. Under common law, parents may “inflict moderate and reasonable chastisement on a child” (*R v Janke and Janke* 1913 TPD 382), and this may be delegated to a person acting in the parent’s place

(except those specifically prohibited in legislation). The Children's Amendment Act was passed in 2007 only after removal of the clause which would have prohibited corporal punishment in the home, pending further investigation of this issue. Prohibition in alternative care settings is included in regulations under the Child Care Act, but these will be repealed when the new Children Act comes into force. Prohibition is expected to be reintroduced to parliament by way of an amendment bill in 2009.

Proposed strategy to achieve prohibition

The strategy covers six areas: (i) support and alliance building – further development of the strategy by the existing alliance (June 2008), ongoing interaction with the alliance to keep up momentum, building the broader alliance, strengthening the advocacy capacity of young people, producing newsletter and disseminating other resources, establishing a website for access to resources; (ii) parliamentary law reform – using opportunities likely to be provided by the amendment process in 2009, identifying and targeting advocacy at high level supporters and supporting existing high level supporters, advocacy with the Department of Social Development to support prohibition of parental corporal punishment and to ensure continued prohibition in alternative care; (iii) litigation – exploring the possibility of litigation with the South African Human Rights Commission as the applicant and key members of core alliance as the legal council, meeting with legal experts to develop a litigation strategy (June/July 2008); (iv) implementation – meetings with Department of Education officials concerning prohibition in schools (July 2008) and consideration of litigation against the Department, advocacy with the Department of Education on the promotion of positive parenting, advocacy with Department of Social Development officials on implementation of parenting programmes under the Children's Amendment Act (Jul/Aug 2008); (v) media – continued proactive and reactive media engagement, linking proactive campaigns to events and cases, linking the issue of legal reform to interviews relating to child protection (opportunistic); (vi) regional interaction and support – undertaking joint actions to promote support for prohibition through the African Union, receiving and providing support to advocacy in other countries in the region. The strategy also highlights significant challenges and concrete steps to address them.

Southern Sudan

Current legal situation

Corporal punishment is prohibited in the home, schools, penal institutions, alternative care settings and situations of employment in the Interim Constitution of Southern Sudan, but is not explicitly prohibited as a sentence of the courts. The Child Bill explicitly confirms the constitutional prohibition in schools, police stations, prisons, reformatories and other institutions but does not explicitly prohibit in the home, children's homes, foster homes and as a sentence of the courts. The Education Bill and draft Teachers' Code of Conduct do not confirm the constitutional prohibition in schools. The Penal Code Bill allows whipping of children as a sentence of the courts. Proposals have been made to the Ministry of Education to include prohibition of corporal punishment in the Teachers' Code of Conduct.

Proposed strategy to achieve prohibition

Strategies to ensure that legislation confirms the explicit prohibition in the Interim Constitution and to prohibit judicial corporal punishment are: (i) lobby for inclusion of explicit prohibition in the Child Bill within the home and in the Education Bill in schools, utilising existing working relationships with the relevant ministries; (ii) work in partnership with key opinion leaders and children in clubs to enable them to be spokespersons for these issues; (iii) disseminate existing prevalence research and new advocacy messages and use the media to promote prohibition; (iv) work closely with UNICEF and other child rights organisations in giving a clear message about prohibition and supporting implementation. The strategy identifies some particular challenges to law reform in Southern Sudan and steps to overcome them. For example, perception of the issue as a western and un-African one will be addressed by working with high level Sudanese officials who can front the campaign and by using traditional village councils who are respected opinion leaders to own the issue and support reform.

Sri Lanka

Current legal situation

Corporal punishment is unlawful as a sentence for crime but is lawful in the home, schools, penal institutions and alternative care settings, and there is no explicit prohibition in situations of employment. The Penal Code clearly indicates the acceptability of corporal punishment in one of the illustrations to the offence of criminal force (articles 82 and 341). The Children and Young Person's Ordinance (CYPO) – which recognises the right of parents, teachers and others “to administer punishment” (part V) but has never been brought into force – is being re-drafted by UNICEF and the Ministry of Justice.

Proposed strategy to achieve prohibition

Elements of the strategy are (i) research on corporal punishment – ensuring child participation and fostering state ownership of the issue by involving government; (ii) strengthening civil society support – creating new networks and building on existing ones, particularly through publicising and disseminating results of the research; (iii) reviewing existing legislation (with Lawyers for Human Rights and Development) and lobbying UNICEF and the Ministry of Justice to include explicit prohibition in the CYPO bill and to consult children on the bill; (iv) creating strong public opinion and mobilising support from across the country, targeting the human rights organisations as well as the child rights organisations, and awareness-raising on the negative impact of corporal punishment; (v) media advocacy – on the negative impact of corporal punishment and promoting positive discipline; (vi) meetings with high level parliamentarians and developing simplified versions and briefings on the proposed bills for lobbying purposes; (vii) monitoring the bill's progress through parliament, being clear about its non-negotiable provisions. Particular challenges include the government's preoccupation with the war and its suspicion of INGOs.

Swaziland

Current legal situation

Corporal punishment is lawful in all settings. The Constitution confirms that children may be subject to “lawful and moderate chastisement for purposes of correction” (section 29). A Child Bill and a Juvenile Justice Bill are being drafted.

Proposed strategy to achieve prohibition

The plan is to (i) review the Child Bill and Juvenile Justice Bill with a view to including explicit prohibition (June 2008); (ii) work with faith based groups through the Council of Swaziland Churches in liaison with the South African Council of Churches (July 2008); (iii) strengthen the media campaign; (iv) engage with the constitutional review process, focusing on the “moderate chastisement” provision; (v) engage with children’s forums within the National Children’s Coordinating Unit on the issue of corporal punishment; (vi) review other bills (education, social welfare) to identify necessary amendments and lobby as appropriate; (vii) develop implementation strategies and action plans so that they are in place when the law is passed. Major challenges include the support of traditional and religious leaders for corporal punishment and the constitutional protection of the right of parents to inflict corporal punishment.

Uganda

Current legal situation

Corporal punishment is prohibited in the penal system, but there is no explicit prohibition in the home, schools, alternative care settings and situations of employment. The Children’s Act and the Education Act are under review. The revised Education Bill possibly prohibits corporal punishment in schools.

Proposed strategy to achieve prohibition

The proposed strategy is built around four issues: (i) information dissemination – meet with Uganda representatives of the UN study network to share workshop proceedings and strengthen the strategy following further consultation (Jul 2008); (ii) understanding the law – assess existing legislation and information on corporal punishment and develop a position paper (Oct 2008); (iii) law reform process – develop the detail of necessary steps, to include presentation of agenda to relevant ministries, identification of other influential bodies, determination of optimum mode of presenting bills (e.g. private member’s motion or parliamentary motion), meeting with relevant parliamentary committees during parliamentary debate of bills, and development of a media strategy, awareness-raising packages and a child participation strategy (ongoing); (iv) inclusion in legislation – development of feedback on legislation (Dec 2009). The strategy identified who is responsible for each activity.

Viet Nam

Current legal situation

Corporal punishment is unlawful in the penal system but there is no explicit prohibition in the home, schools, alternative care settings or situations of employment.

Proposed strategy to achieve prohibition

The first step of the four year strategy involves reviewing all laws to establish whether or not the various prohibitions of abuse, violence, humiliating treatment etc are clear that these actions are prohibited even when inflicted “for purposes of discipline”. Confirmation that the laws are not clear in this respect will provide the basis for advocating explicit prohibition in law. The next steps are to advocate, with UNICEF, for a new law against child abuse which includes explicit prohibition of corporal punishment, to educate parents and teachers on positive disciplinary measures and, following reform, to communicate the prohibition publicly. The long term plan is to advocate for a child protection system. Language was identified as a particular challenge since the term “corporal punishment” is not familiar, but this can be overcome by referring instead to violence and humiliating treatment which is inflicted “for purposes of discipline”.

Yemen

Current legal situation

Corporal punishment is prohibited in schools but is lawful in the home, the penal system, alternative care settings and situations of employment. The Children’s Rights Act confirms the right of parents to discipline their children (article 146) and this is reiterated in draft amendments to the Penal Code and the Children’s Rights Act. Parliament has rejected previous drafts due to its unwillingness to interfere in the private sphere of the home

Proposed strategy to achieve prohibition

The strategy is to work with government, civil society, NGOs and INGOs through (i) participation in reviews of existing laws and drafting of new legislation; (ii) awareness-raising of the recommendations of the UN Committee on the Rights of the Child and follow up to the UN Study on Violence against Children; (iii) positive parenting programmes; (iv) promotion of prohibition by influential national and regional individuals, especially religious figures, and through regional forums; (v) development of a positive interpretation of Sharia law; (vi) collaboration with UN and international organisations in the country. Work with the media will involve capacity building on the Convention on the Rights of the Child and relevant existing legislation, involving the media in advocacy events, and public awareness-raising. Efforts will also be directed at enforcing the prohibition in schools. Particular challenges include strong opposition from conservative religious groups and parliamentarians and the absence of effective social protection mechanisms.

Zambia

Current legal situation

Corporal punishment is unlawful in the penal system by virtue of a 1999 Supreme Court ruling, but legislation in relation to approved schools and reformatories is yet to be repealed. Corporal punishment is lawful in the home, schools and alternative care settings under “the right of any parent, teacher or other person having the lawful control or charge of a juvenile to administer lawful punishment to him” (Juveniles Act, section 46), though the specific authorisation of corporal punishment in schools has been repealed. Corporal punishment in institutions is prohibited in the Constitution Bill.

Proposed strategy to achieve prohibition

The plan is to (i) establish a Child Law Reform Secretariat within the principle ministry, coordinated by the Law Commission; (ii) engage relevant government ministries in the issue; (iii) review child related laws and disseminate the results to all stakeholders for validation and identification of gaps, engaging the media and faith groups; (iv) create thematic groups, including one on corporal punishment and violence against children, to make proposals and recommendations for law reform; (v) approach relevant parliamentary committees to discuss themes under the reform; (vi) create junior committee to involve children in the process; (vii) conduct comparative studies with other jurisdictions; (viii) periodically review and consolidate the findings and effect the necessary change through legislative and other interventions (legal action, lobbying, campaigns, sensitization); (ix) resource mobilisation; (x) build a coalition of civil society and government departments to make corporal punishment a national and children’s rights issue and to advocate legal reform of the Juveniles Act and other laws. Particular challenges include the belief that existing law is sufficient and the lack of implementation of even the weak existing law.

Annex 6 – Progress towards universal prohibition

Prepared by the Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org), July 2008

Please note: The following information has been compiled from many sources, including reports to and by the United Nations human rights treaty bodies, updated with information provided during and since the workshop. Information in square brackets is unconfirmed. We are very grateful to government officials, UNICEF and other UN agencies, NGOs and human rights institutions, workshop participants, 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.

This table is regularly updated on the Global Initiative website at www.endcorporalpunishment.org.

States with full prohibition in legislation					
State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence	As disciplinary measure	
Austria	YES ⁴⁴	YES	YES	YES	YES
Bulgaria	YES ⁴⁵	YES	YES	YES	YES
Chile	YES ⁴⁶	YES	YES	YES	YES
Costa Rica	YES ⁴⁷	YES	YES	YES	YES
Croatia	YES ⁴⁸	YES	YES	YES	YES
Cyprus	YES ⁴⁹	YES	YES	YES	YES

44. Prohibited in 1989 by section 146a of General Civil Code

45. Prohibited in 2000 Child Protection Act (amended 2003) and 2003 Regulation on the Implementation of the Child Protection Act

46. Prohibited in 2007 amendment to Civil Code (provisional information – the explicit prohibition proposed by the Ministry of Justice was amended before being passed by the Senate's Commission of the Constitution, Legislation, Justice and Regulations – the new law is to be discussed by the Senate in May 2008)

47. Prohibited in 2008 amendments to the Code on Children and Adolescents and the Family Code

48. Prohibited explicitly in 1998 Family Act, replaced by 2003 Family Act

49. Prohibited in 1994 Violence in the Family (Prevention and Protection of Victims) Law, reiterated in 2000 Act on Violence in the Family; response to governmental questionnaire in UN Secretary General's Study on Violence against Children (August 2005) stated Children Law provides for "right to administer punishment", but this provision expected to be removed following review

States with full prohibition in legislation (ctd)

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence	As disciplinary measure	
Denmark	YES ⁵⁰	YES	YES	YES	YES
Finland	YES ⁵¹	YES	YES	YES	YES
Germany	YES ⁵²	YES	YES	YES	YES
Greece	YES ⁵³	YES	YES	YES	YES
Hungary	YES ⁵⁴	YES	YES	YES	YES
Iceland	YES ⁵⁵	YES	YES	YES	YES
Israel	YES ⁵⁶	YES	YES	YES	YES
Latvia	YES ⁵⁷	YES	YES	YES	YES
Netherlands	YES ⁵⁸	YES	YES	YES	YES
New Zealand	YES ⁵⁹	YES	YES	YES	YES
Norway	YES ⁶⁰	YES	YES	YES	YES
Portugal	YES ⁶¹	YES	YES	YES	YES
Romania	YES ⁶²	YES	YES	YES	YES
Spain	YES ⁶³	YES	YES	YES	YES
Sweden	YES ⁶⁴	YES	YES	YES	YES
Ukraine	YES ⁶⁵	YES	YES	YES	YES
Uruguay	YES ⁶⁶	YES	YES	YES	YES
Venezuela	YES ⁶⁷	YES	YES	YES	YES

50. Prohibited in 1997 amendment to 1995 Parental Custody and Care Act

51. Prohibited in 1983 Child Custody and Right of Access Act

52. Prohibited in 2000 amendment to Civil Code

53. Prohibited in 2006 Law 3500/2006 on the Combating of Intra-family Violence

54. Prohibited in 2004 amendment to Hungarian Child Protection Act

55. Prohibited in 2003 Children's Act

56. 2000 Supreme Court ruled against all violence in childrearing; "reasonable chastisement" defence removed from legislation in same year

57. Prohibited in 1998 Children's Rights Protection Law

58. Prohibited in 2007 amendment to the Civil Code

59. Prohibited in 2007 Crimes (Substituted Section 59) Amendment Act

60. Prohibited in 1987 amendment to 1981 Parent and Child Act; but Supreme Court decision 30 November 2005 interprets Penal Code as allowing "lighter smacks"; government is reviewing this provision

61. Prohibited in 2007 amendment to Penal Code

62. Prohibited in 2004 Law on Protection and Promotion of the Rights of the Child

63. Prohibited in 2007 amendment to Civil Code

64. Prohibited in 1979 amendment to Parenthood and Guardianship Code

65. Prohibited in 2003 Family Code

66. Prohibited in 2007 amendments to Civil Code and Children and Adolescents Code

67. Prohibited in 2007 amendment to Law for the Protection of Children and Adolescents

Prohibition by Supreme Court ruling					
State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence	As disciplinary measure	
Italy	YES ⁶⁸	YES	YES	YES	YES
Nepal ⁶⁹	NO ⁷⁰	NO ⁷¹	SOME ⁷²	NO ⁷³	NO ⁷⁴

States committed to full prohibition					
State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence	As disciplinary measure	
Afghanistan ⁷⁵	NO	NO ⁷⁶	YES	NO ⁷⁷	NO
Bangladesh ⁷⁸	NO	NO ⁷⁹	NO	NO	NO
Bhutan ⁸⁰	NO	NO ⁸¹	???	NO	NO

68. 1996 Supreme Court ruling prohibited all violence in childrearing, but as at May 2008 not confirmed in legislation

69. 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 May 2008, draft legislation which would prohibit in all settings under discussion

70. 2005 Supreme Court ruling removed legal defence available to parents, guardians and teachers

71. Draft legislation would prohibit (May 2008). See also previous note

72. Prohibited in state laws, but permitted in Maoist courts

73. See note 27

74. See note 27

75. 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

76. 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

77. 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

78. 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

79. Ministerial directives advise against use

80. 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

81. Prohibited in Code of Conduct but not in law

States committed to full prohibition (ctd)

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence	As disciplinary measure	
Czech Republic ⁸²	NO	NO	YES ⁸³	YES	NO
Estonia ⁸⁴	NO	YES ⁸⁵	YES	YES ⁸⁶	NO
Ireland ⁸⁷	NO	YES	YES	YES	SOME ⁸⁸
Lithuania ⁸⁹	NO	YES ⁹⁰	YES	YES ⁹¹	NO
Luxembourg ⁹²	NO	YES	YES	YES	NO
Maldives ⁹³	NO	YES	NO	NO	SOME
Pakistan ⁹⁶	NO	SOME ⁹⁷	SOME ⁹⁸	NO ⁹⁹	NO

82. Government committed to prohibition; as at March 2008, prohibition was due to be considered by the Government Council for Human Rights

83. But no explicit prohibition

84. Government committed to prohibition and draft legislation which would prohibit in all settings is due to be submitted to parliament at the end of 2008

85. But no explicit prohibition

86. But no explicit prohibition

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

88. 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

89. Government stated its intention to introduce prohibition in law during January 2006 examination by the Committee on the Rights of the Child but as at May 2008 draft legislation under discussion does not explicitly refer to corporal punishment

90. But no explicit prohibition

91. But no explicit prohibition

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

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

94. But as at June 2007, new draft Penal Code legalizes corporal punishment in schools (information unconfirmed).

95. Prohibited in the Education and Training Centre for Children

96. 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

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

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

99. See previous note

States committed to prohibition (ctd)					
State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence	As disciplinary measure	
Peru ¹⁰⁰	NO	NO ¹⁰¹	YES	NO	NO
Poland ¹⁰²	NO ¹⁰³	YES	YES	YES	YES ¹⁰⁴
Serbia ¹⁰⁵	NO	YES	YES	YES	NO
Slovakia ¹⁰⁶	NO	YES ¹⁰⁷	YES	YES	YES
Slovenia ¹⁰⁸	NO	YES	YES	YES	SOME ¹⁰⁹
Sri Lanka ¹¹⁰	NO	NO ¹¹¹	YES	SOME ¹¹²	NO
Taiwan ¹¹³	NO	YES	YES	YES	???

Legal reform in progress but no explicit commitment to full prohibition					
State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence	As disciplinary measure	
Brazil ¹¹⁴	NO	NO	YES	NO	NO

100. Congress has pledged all party support for prohibition (December 2007), and legislation which would prohibit in all settings under discussion (2008)

101. Prohibited by Decree, but not in law

102. Commitment confirmed to Council of Europe Commissioner for Human Rights (June 2008)

103. Prohibited in 1997 Constitution, but not confirmed in law

104. Prohibition in private institutions unconfirmed

105. Government has stated commitment to prohibition (December 2007)

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

107. But no explicit prohibition

108. 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

109. Prohibited in day care centres and residential schools

110. 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

111. Prohibited by ministerial circular, but not in law

112. Prohibited in prisons, but lawful in other penal institutions

113. Government stated commitment to prohibition in August 2005

114. Bill which would prohibit in all settings, including the home, passed its first parliamentary debate in early May 2008 and is expected to be tabled for its second (and final) debate later in the month

Legal reform in progress but no explicit commitment to full prohibition (ctd)

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence	As disciplinary measure	
Canada ¹¹⁵	NO	YES ¹¹⁶	YES	YES	SOME ¹¹⁷
Nicaragua ¹¹⁸	NO	YES	YES	YES	NO
Philippines ¹¹⁹	NO	YES	YES	YES	SOME ¹²⁰
Rep of Moldova ¹²¹	NO	YES	YES	YES ¹²²	NO
South Africa ¹²³	NO	YES	YES	YES	YES
Switzerland ¹²⁴	NO ¹²⁵	YES ¹²⁶	YES	YES	YES

115. In March 2008, Bill S-209 which would repeal section 43 of the Criminal Code allowing for the use of force “by way of correction”, was referred by the Senate to the Standing Senate Committee on Legal and Constitutional Affairs to examine the legal consequences of repeal; the Standing Senate Committee on Human Rights had already considered repeal from the child’s perspective and in light of the UN Convention on the Rights of the Child and 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

116. 2004 Supreme Court ruling limited use of force by teachers to restraint and removal and excluded corporal punishment; as at May 2008, no prohibition in legislation relating to private schools, or to any schools in Alberta, Manitoba and Ontario

117. 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

118. As at May 2008, proposals were being drafted with the support of the special ombudswoman for children’s rights to prohibit all corporal punishment in the draft Family Code

119. Various Bills which would prohibit corporal punishment, including by parents, have been filed but as at April 2008 not scheduled for public hearing

120. Prohibited in residential institutions and day care centres

121. Proposed draft amendments to various laws which would reportedly prohibit in all settings have been submitted to government (May 2008)

122. But no explicit prohibition

123. A clause which would prohibit in the home was removed from the Children’s Bill passed by Parliament in 2007 pending further investigation; as at May 2008, it is expected to be reintroduced to Parliament in a proposed Amendment Bill in 2009

124. Parliamentary initiative 06.419 to prohibit all corporal punishment, adopted by the Committee for Legal Affairs in October 2007, was defeated, but prohibition still under consideration by Parliament (May 2008)

125. 2003 Federal Court ruling stated repeated and habitual corporal punishment unacceptable, but did not rule out right of parents to use corporal punishment

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

Others – prohibition incomplete and no commitment to reform

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence	As disciplinary measure	
Albania	NO	YES	YES	YES ¹²⁷	NO
Algeria	NO	YES	YES	[NO]	NO
Andorra	NO ¹²⁸	YES ¹²⁹	YES	YES	NO
Angola	NO	YES	YES ¹³⁰	NO	NO
Antigua & Barbuda	NO	NO	NO	NO	NO
Argentina	NO	NO	YES	NO	NO
Armenia	NO	YES	YES	YES	NO
Australia	NO ¹³¹	SOME ¹³²	YES	SOME ¹³³	SOME ¹³⁴
Azerbaijan	NO	YES	YES	YES	NO
Bahamas	NO	NO	NO	NO	NO
Bahrain	NO	YES	YES	???	???
Barbados	NO	NO	NO	NO	SOME ¹³⁵
Belarus	NO	YES	YES	YES	SOME ¹³⁶
Belgium	NO	YES ¹³⁷	YES	YES	SOME ¹³⁸

127. But no explicit prohibition

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

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

130. Prohibited for persons under 16 years; prohibition for 16 and 17 year olds unconfirmed

131. In 2003, Law Reform Institute in Tasmania recommended abolition of reasonable correction defence from criminal and civil law but as at May 2008, 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

132. 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

133. “Reasonable chastisement” defence potentially available in Queensland and Tasmania

134. 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

135. 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

136. Prohibited in boarding institutions; not prohibited in foster care

137. But no explicit prohibition

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

Prohibition incomplete and no commitment to reform (ctd)

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence	As disciplinary measure	
Belize	NO	NO	YES	SOME ¹³⁹	SOME ¹⁴⁰
Benin	NO	NO ¹⁴¹	YES	[YES]	NO
Bolivia	NO	NO ¹⁴²	SOME ¹⁴³	NO	NO
Bosnia & Herzegovina	NO	YES ¹⁴⁴	YES	YES	NO
Botswana	NO	NO	NO ¹⁴⁵	NO	NO
Brunei Darussalam	NO	NO	NO	NO	NO
Burkina Faso	NO	YES	YES	YES	SOME ¹⁴⁶
Burundi	NO	NO	YES	NO	NO
Cambodia	NO	YES	YES	YES	NO
Cameroon	NO	YES	YES	YES	NO
Cape Verde	NO	NO ¹⁴⁸	YES	YES	[YES]
Central African Rep.	NO	NO	???	???	???
Chad	NO	NO	YES	NO	NO
China	NO	YES	YES	YES	???
Colombia	NO	NO ¹⁴⁹	SOME ¹⁵⁰	NO ¹⁵¹	NO
Comoros	NO	NO	[YES] ¹⁵²	NO	NO
Congo, Republic of	NO	[YES]	YES	NO	NO
Cook Islands	NO	NO	YES	NO	NO
Cote d'Ivoire	NO	NO ¹⁵³	YES	YES	NO

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

140. Prohibited in residential care facilities and in day care centres

141. Prohibited in formal education by government circular

142. Prohibited by regulation

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

144. No explicit prohibition, but unlawful under child protection laws

145. As at May 2008, the draft Children's Act would make judicial corporal punishment of children unlawful but this would not apply to customary courts

146. Prohibited in institutions; not prohibited in foster care

147. Prohibited in minimum standards but not in legislation

148. Prohibited by Ministry of Education guidelines

149. But corporal punishment resulting in injury is prohibited

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

151. See note 104

152. Possibly lawful under Shari'a law

153. Prohibited by ministerial circular

Prohibition incomplete and no commitment to reform (ctd)

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence	As disciplinary measure	
Cuba	NO	NO	YES	NO	NO
DPR Korea	NO	NO ¹⁵⁴	YES	YES	???
DR Congo	NO	YES	YES	SOME ¹⁵⁵	NO
Djibouti	NO	[YES]	???	NO	???
Dominica	NO	NO	NO	NO	NO
Dominican Republic	NO	YES	YES	NO	NO
Ecuador	NO	YES	SOME ¹⁵⁶	NO	SOME ¹⁵⁷
Egypt	NO	YES	YES	YES ¹⁵⁸	NO
El Salvador	NO	YES	YES	YES	???
Equatorial Guinea	NO	NO	???	???	NO
Eritrea	NO	NO ¹⁵⁹	NO ¹⁶⁰	???	NO
Ethiopia	NO	YES	YES	YES	SOME ⁶¹
Fiji	NO ¹⁶²	YES ¹⁶³	YES ¹⁶⁴	YES	NO
France	NO	NO ¹⁶⁵	YES	YES ¹⁶⁶	NO
Gabon	NO	YES	???	???	???
Gambia	NO ¹⁶⁷	NO ¹⁶⁸	YES	NO ¹⁶⁹	NO
Georgia	NO ¹⁷⁰	YES ¹⁷¹	YES	YES	SOME ¹⁷²

154. Prohibited in policy, but as at April 2004 not in law

155. Prohibited in Antoinette Sassou-Nguessou Re-education Centre

156. Prohibited in state law but permitted under traditional law in indigenous communities

157. Prohibited in institutions but lawful in other childcare settings

158. But possibly permitted in social welfare institutions

159. Prohibited by policy

160. Lawful under Transitional Penal Code but prohibited in Draft Penal Code

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

162. In 2006, the prime minister and other high level offices called for prohibition, but as at May 2008 legal reform has not progressed

163. Ruled unconstitutional in 2002 High Court ruling, but as at May 2008 legislation not amended

164. See previous note

165. 1889 High Court ruling allowed "right to correction" for teachers; 2000 ruling stated that habitual and non-educational corporal punishment not covered by this

166. But no explicit prohibition

167. 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"

168. Possibly prohibited in 2005 Children's Act

169. See previous note

170. 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

171. But no explicit prohibition

172. Prohibited in institutional care establishments

Prohibition incomplete and no commitment to reform (ctd)

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence	As disciplinary measure	
Ghana	NO	NO	YES	NO	NO
Grenada	NO	NO	NO	NO	SOME ¹⁷³
Guatemala	NO	NO	SOME ¹⁷⁴	NO	NO
Guinea	NO	YES	[NO]	???	NO
Guinea-Bissau	NO	YES	YES	YES	???
Guyana	NO	NO ¹⁷⁵	NO	NO	NO ¹⁷⁶
Haiti	NO ¹⁷⁷	YES	YES	YES	YES
Honduras	NO	YES	YES	NO	NO
India ¹⁷⁸	NO	SOME ¹⁷⁹	SOME ¹⁸⁰	NO ¹⁸¹	NO
Indonesia	NO	NO	SOME ¹⁸²	NO	NO
Iran, Islamic Rep. of	NO	YES	NO	NO	NO
Iraq	NO	YES	YES	???	???
Jamaica	NO	SOME ¹⁸³	YES	YES	YES
Japan	NO ¹⁸⁴	YES ¹⁸⁵	YES	YES	NO

173. Prohibited in child care homes by licensing requirements

174. Unlawful in state laws but permitted in traditional justice systems

175. Motion calling for prohibition (Notice Paper No. 22 (M3 Opp2) published on 22 November 2006) pending before Parliament (July 2007)

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

177. Possibly prohibited by 2001 law, but no unequivocal confirmation

178. 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

179. Prohibited in 8 out of 35 states and territories; National Policy on Education recommends prohibition; 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

180. Prohibited in state laws, but used in traditional justice systems

181. 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)

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

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

184. But prohibited in Kawasaki City by local ordinance

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

Prohibition incomplete and no commitment to reform (ctd)

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence	As disciplinary measure	
Jordan	NO ¹⁸⁶	YES	YES	YES	[YES]
Kazakhstan	NO	SOME ¹⁸⁷	YES	YES	SOME ¹⁸⁸
Kenya	NO	YES	YES	NO ¹⁸⁹	NO ¹⁹⁰
Kiribati	NO	YES ¹⁹¹	NO ¹⁹²	NO	NO
Kuwait	NO	YES	YES ¹⁹³	NO	???
Kyrgyzstan	NO	YES	YES	YES	SOME ¹⁹⁴
Lao PDR	NO	NO	YES	YES	NO
Lebanon	NO	NO ¹⁹⁵	YES	YES	NO
Lesotho	NO	NO ¹⁹⁶	NO ¹⁹⁷	NO	NO
Liberia	NO	NO	YES	NO	NO
Libyan Arab Jamahiriya	NO	YES	NO	???	???
Liechtenstein	NO ¹⁹⁸	YES	YES	YES	SOME ¹⁹⁹
Madagascar	NO	NO	YES	???	NO
Malawi	NO	YES ²⁰⁰	YES ²⁰¹	YES ²⁰²	SOME ²⁰³
Malaysia	NO	NO	NO ²⁰⁴	NO ²⁰⁵	NO

186. 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)

187. Prohibited in regular schools but not in military schools

188. Prohibited in children’s villages, youth homes and other institutions, but no prohibition in foster care or kinship care

189. Prohibited in draft Constitution (May 2008)

190. See previous note

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

192. Government committed to prohibition (2006)

193. But reintroduction possibly proposed

194. Prohibited in residential institutions

195. Government committed to law reform (2006)

196. Prohibited in Education Bill (2006), as at May 2008 still under discussion

197. Prohibited in the Child Protection and Welfare Bill, under discussion May 2008

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

199. Prohibited in state alternative care settings but not in privately run alternative care settings

200. Prohibited in Constitution

201. Prohibited in Constitution, but permitted in other legislation

202. See previous note

203. Prohibited in state institutions by Constitution

204. Government committed to prohibition (2007)

205. See previous note

Prohibition incomplete and no commitment to reform (ctd)

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence	As disciplinary measure	
Mali	NO ²⁰⁶	YES	YES	YES ²⁰⁷	NO
Malta	NO	YES ²⁰⁸	YES	YES	NO
Marshall Islands	NO	YES	YES	YES	NO
Mauritania	NO	NO ²⁰⁹	???	NO	NO
Mauritius	NO	YES	YES	NO	NO
Mexico	NO ²¹¹	NO ²¹²	YES	NO	NO
Micronesia, Fed. States	NO	[YES]	YES	NO	NO
Monaco	NO	YES ²¹³	YES	YES ²¹⁴	NO
Mongolia ²¹⁵	NO	YES	YES	NO	NO
Montenegro	NO	YES	YES	YES	NO
Morocco	NO	NO ²¹⁶	YES	YES	NO ²¹⁷
Mozambique	NO	NO ²¹⁸	YES	YES ²¹⁹	NO
Myanmar	NO	NO ²²⁰	YES ²²¹	NO	NO
Namibia	NO	YES	YES	YES ²²²	SOME ²²³
Nauru	NO	???	SOME ²²⁴	NO	???
Niger	NO	NO	[YES]	[NO]	NO
Nigeria	NO	NO	SOME ²²⁵	[NO]	NO

206. But Government stated commitment to implementation of all the recommendations of the UN Secretary-General's Study on Violence against Children during examination by the Committee on the Rights of the Child in January 2007

207. But no explicit prohibition

208. But no explicit prohibition

209. Prohibited by Ministerial Order

210. Possibly lawful under Islamic law

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

212. Except possibly in Sonora

213. But no explicit prohibition

214. But no explicit prohibition

215. Draft legislation to amend the Family Law to prohibit corporal punishment is due for consideration in Parliament late in 2008

216. Prohibited by Ministerial direction

217. No prohibition in foster care; possibly no prohibition in other alternative care settings

218. Prohibited by Government directive

219. Prohibited in 2008 Children's Act, to come into force in October 2008

220. Prohibited by Government directive

221. But some legislation not amended/repealed

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

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

224. Prohibited for children under 16 years, but permitted for older children

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

Prohibition incomplete and no commitment to reform (ctd)

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence	As disciplinary measure	
Niue	NO	???	YES	???	???
Oman	NO	YES	???	NO	NO
Palau	NO	NO	YES	NO	NO
Palestine	NO	SOME ²²⁶	NO	NO	NO
Panama	NO	NO	YES	YES	NO
Papua New Guinea	NO	NO ²²⁷	YES	YES	SOME ²²⁸
Paraguay	NO	NO ²²⁹	YES	YES	NO
Qatar	NO	NO ²³⁰	NO	NO	NO
Republic of Korea	NO	NO	YES	YES	NO
Russian Federation	NO	YES	YES	YES	NO
Rwanda	NO	NO ²³¹	YES	YES	SOME ²³²
Saint Kitts & Nevis	NO	NO	NO	NO	NO
Saint Lucia	NO	NO	YES	NO	NO
Saint Vincent & Grenadines	NO	NO	NO	NO	NO
Samoa	NO	NO ²³³	YES	[YES]	NO
San Marino	NO ²³⁴	YES	YES	YES	NO
Sao Tome & Principe	NO	[YES]	SOME ²³⁵	???	NO
Saudi Arabia	NO	NO ²³⁶	NO	NO	NO
Senegal	NO	YES	YES	SOME ²³⁷	NO

226. Prohibited in UNRWA schools; prohibited by Ministerial direction in public schools

227. Prohibited by government directive but not in legislation

228. 2007 Lukautim Pikinini (Child Welfare) Act prohibits corporal punishment of children “in the care of the Director”, but we have yet to establish whether this covers all possible alternative care settings

229. Legislation protects dignity but does not explicitly prohibit corporal punishment

230. Prohibited by Ministerial Decree

231. Legislation in preparation (2005)

232. Prohibited in child care centres

233. Prohibited by policy; possibly prohibited in the Education Bill (2006), as at May 2008 enacted

234. 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

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

236. Prohibited by Ministerial circulars

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

Prohibition incomplete and no commitment to reform (ctd)

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence	As disciplinary measure	
Seychelles	NO	NO ²³⁸	YES	[YES]	[YES]
Sierra Leone	NO ²³⁹	NO ²⁴⁰	YES	NO	NO ²⁴¹
Singapore	NO	NO	NO	NO	SOME ²⁴²
Solomon Islands	NO	NO	YES	NO	NO
Somalia	NO	NO	NO ²⁴³	YES	NO
Sudan	NO ²⁴⁴	SOME ²⁴⁵	NO	SOME ²⁴⁶	SOME ²⁴⁷
Suriname	NO	[YES]	YES	YES	NO ²⁴⁸
Swaziland	NO	NO ²⁴⁹	NO ²⁵⁰	NO ²⁵¹	NO ²⁵²
Syrian Arab Republic	NO	NO ²⁵³	YES	???	NO
Tajikistan	NO	NO	YES	NO	NO
Thailand	NO	YES	YES ²⁵⁴	YES ²⁵⁵	NO

238. Prohibited by policy

239. Sierra Leone Truth and Reconciliation Commission recommended prohibition in the home and schools (2004), but 2007 Child Rights Act reaffirms right to correct

240. See previous note

241. See note 196

242. Prohibited in child care centres

243. Ordered by Islamic courts

244. Prohibited in 2005 Interim Constitution of Southern Sudan; possibly prohibited in draft Children's Act under discussion in Northern Sudan (May 2008)

245. 1993 School Regulations prohibit for girls but allow four lashes for boys; prohibited in 2005 Interim Constitution of Southern Sudan; prohibited in Child Bill (2007) of Southern Sudan, as at May 2008 under discussion in the Legislative Assembly; possibly prohibited in draft Children's Act under discussion in Northern Sudan (May 2008)

246. Prohibited in 2005 Interim Constitution of Southern Sudan; prohibited in Child Bill (2007) of Southern Sudan, as at May 2008 under discussion in the Legislative Assembly; possibly prohibited in draft Children's Act under discussion in Northern Sudan (May 2008)

247. Prohibited in 2005 Interim Constitution of Southern Sudan; prohibited in institutions in Child bill (2007) of Southern Sudan, as at May 2008 under discussion in the Legislative Assembly; possibly prohibited in draft Children's Act under discussion in Northern Sudan (May 2008)

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

249. Proposals have been made to prohibit in draft legislation (May 2008)

250. See previous note

251. See note 206

252. See note 206

253. Ministry of Education advises against its use

254. But some legislation not yet amended (May 2008)

255. See previous note

Prohibition incomplete and no commitment to reform (ctd)

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence	As disciplinary measure	
TFYR Macedonia	NO	YES	YES	YES	YES
Timor-Leste, DR	NO	NO ²⁵⁶	YES	YES	NO ²⁵⁷
Togo	NO	YES	SOME ²⁵⁸	YES	SOME ²⁵⁹
Tonga	NO	YES	NO	NO	NO
Trinidad & Tobago	NO	NO ²⁶⁰	YES	NO	NO ²⁶¹
Tunisia	NO	NO ²⁶²	YES	YES	NO
Turkey	NO	YES	YES	YES	NO
Turkmenistan	NO ²⁶³	YES	YES	YES	?? ²⁶⁴
Tuvalu	NO	NO	YES	NO	NO
Uganda	NO ²⁶⁵	NO ²⁶⁶	YES	YES	NO ²⁶⁷
United Arab Emirates	NO	YES	NO	NO	NO
UK	NO ²⁶⁸	YES	YES	SOME ²⁶⁹	SOME ²⁷⁰

256. Government committed to prohibition (2005)

257. Prohibited by policy in child care centres, orphanages and boarding houses

258. Prohibited in state legislation but used in traditional courts

259. Prohibited in institutions

260. Prohibited by 2000 Children (Amendment) Act, as at May 2008 not in force

261. Prohibited in health care and psychiatric institutions by policy

262. Prohibited by Ministerial circular

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

264. See previous note

265. Recommendations have been made to include prohibition in all settings in draft Child Law (May 2008)

266. Prohibited in state schools by Ministerial circular; possibly prohibited in Education Bill (May 2008); see previous note

267. See note 222

268. 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

269. Considered unlawful except in secure training centres, where painful “distraction” techniques are lawful to maintain discipline

270. 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

Prohibition incomplete and no commitment to reform (ctd)

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence	As disciplinary measure	
United Rep. of Tanzania	NO	NO	NO	NO	NO
USA	NO	SOME ²⁷¹	YES	SOME ²⁷²	SOME ²⁷³
Uzbekistan	NO	YES	YES ²⁷⁴	YES	NO
Vanuatu	NO	YES	SOME ²⁷⁵	[YES]	NO
Viet Nam	NO	NO	YES	YES	NO
Western Sahara	NO	[NO]	[YES]	[YES]	[NO]
Yemen	NO ²⁷⁶	YES	NO	NO	NO
Zambia	NO	YES ²⁷⁸	YES ²⁷⁹	YES ²⁸⁰	NO ²⁸¹
Zimbabwe	NO	NO	NO	NO	NO

271. 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

272. Prohibited in 31 states

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

274. But possibly permitted under mahallyas system

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

276. Proposals have been made to restrict, but not prohibit, corporal punishment (May 2008)

277. See previous note

278. But no explicit prohibition. Prohibited in the draft Constitution (May 2008)

279. Ruled unconstitutional by Supreme Court in 1999, but as at May 2008 some legislation not amended

280. See previous note. Prohibited in draft Constitution (May 2008)

281. Prohibited in institutions and possibly other care settings in draft Constitution (May 2008)

Annex 7 – Ratification of international and regional complaint/communications mechanisms, by region

Many international and regional human rights instruments have associated complaints/communications mechanisms, which can be used to challenge the legality of corporal punishment in states where governments are resisting law reform. The following tables identify the complaints/communications mechanisms that are available to each state. For details on how to use the mechanisms see www2.ohchr.org/english/bodies/petitions/individual.htm and www.crin.org/law/index.asp#co.

Africa

STATE	CCPR (First Optional Protocol) ²⁸²	ICERD (art. 14 declaration) ²⁸³	CAT (art. 22 declaration) ²⁸⁴	CEDAW (Optional Protocol) ²⁸⁵	African Charter on Human and Peoples' Rights ²⁸⁶	Protocol to African Charter on Human and Peoples' Rights (establishment of Court)	African ²⁸⁷ Charter on the Rights and Welfare of Children ²⁸⁸
Algeria	√	√	√		√	√	√
Angola	√			√	√		√
Benin	√				√		√
Botswana				√	√		√
Burkina Faso	√			√	√	√	√
Burundi			√		√	√	√
Cameroon	√		√	√	√		√
Cape Verde	√				√		√
Central African Republic	√				√		
Chad	√				√		√
Comoros					√	√	√
Congo, Republic of	√				√		√
Cote d'Ivoire	√				√	√	
DR Congo	√				√		
Djibouti	√				√		
Egypt					√		√
Equatorial Guinea	√				√		√
Eritrea					√		√
Ethiopia					√		√
Gabon				√	√	√	√
Gambia	√				√	√	√
Ghana	√		√		√	√	√
Guinea	√				√		√

STATE	CCPR (First Optional Protocol) ²⁸²	ICERD (art. 14 dec- laration) ²⁸³	CAT (art. 22 dec- laration) ²⁸⁴	CEDAW (Optional Protocol) ²⁸⁵	African Charter on Human and Peoples' Rights ²⁸⁶	Protocol to African Charter on Human and Peoples' Rights (establish- ment of Court)	African ²⁸⁷ Charter on the Rights and Welfare of Children ²⁸⁸
Guinea-Bissau					√		
Kenya					√	√	√
Lesotho	√			√	√	√	√
Liberia					√		
Libyan Arab Jamahiriya	√			√	√	√	√
Madagascar	√				√		√
Malawi	√				√		√
Mali	√			√	√	√	√
Mauritania					√	√	√
Mauritius	√				√	√	√
Morocco		√	[?]				
Mozambique					√	√	√
Namibia	√			√	√		√
Niger	√			√	√	√	√
Nigeria				√	√	√	√
Rwanda					√	√	√
Sao Tome & Principe					√		
Senegal	√	√	√	√	√	√	√
Seychelles	√		√		√		√
Sierra Leone	√				√		√
Somalia	√				√		
South Africa	√	√	√	√	√	√	√
Sudan					√		
Swaziland					√		
Togo	√		√		√	√	√
Tunisia			√		√	√	
Uganda	√				√	√	√
United Republic of Tanzania				√	√	√	√
Western Sahara					√		
Zambia	√				√		
Zimbabwe					√		√

282. Last updated 5 March 2008

283. Last updated 21 April 2008

284. Last updated 18 April 2008

285. Last updated 25 January 2008

286. Last updated May 2007

287. Last updated October 2007

288. Last updated June 2007

289. Listed as Saharawi Arab Democratic Republic

East Asia and Pacific

Note: no relevant regional mechanisms

STATE	ICCPR (First Optional Protocol) ²⁹⁰	ICERD (art. 14 declaration) ²⁹¹	CAT (art. 22 declaration) ²⁹²	CEDAW (Optional Protocol) ²⁹³
Australia	√	√	√	
Brunei Darussalam				
Cambodia				
China				
Cook Islands				√
DPR Korea				
Fiji				
Indonesia				
Japan				
Kiribati				
Lao PDR				
Malaysia				
Marshall Islands				
Micronesia, Federated States				
Mongolia	√			√
Myanmar				
Nauru				
New Zealand	√		√	√
Niue				
Palau				
Papua New Guinea				
Philippines	√			√
Republic of Korea	√	√		√
Samoa				
Singapore				
Solomon Islands				√
Taiwan				
Thailand				√
Timor-Leste, DR				√
Tonga				
Tuvalu				
Vanuatu				√
Viet Nam				

290. Last updated 5 March 2008

291. Last updated 21 April 2008

292. Last updated 18 April 2008

293. Last updated 25 January 2008

Europe and Central Asia

STATE	ICCPR (First Optional Protocol) ²⁹⁴	ICERD (art. 14 declaration) ²⁹⁵	CAT (art. 22 declaration) ²⁹⁶	CEDAW (Optional Protocol) ²⁹⁷	European Convention for the Protection of Human Rights and Fundamental Freedoms ²⁹⁸	European Social Charter (Collective Complaints Protocol) ²⁹⁹
Albania	√			√	√	
Andorra	√	√		√	√	
Armenia	√			√	√	
Austria	√	√	√	√	√	
Azerbaijan	√	√	√	√	√	
Belarus	√			√		
Belgium	√	√	√	√	√	√
Bosnia & Herzegovina	√		√	√	√	
Bulgaria	√	√	√	√	√	√
Croatia	√		√	√	√	√
Cyprus	√	√	√	√	√	√
Czech Republic	√	√	√	√	√	
Denmark	√	√	√	√	√	
Estonia	√				√	
Finland	√	√	√	√	√	√
France	√	√	√	√	√	√
Georgia	√	√	√	√	√	
Germany	√	√	√	√	√	
Greece	√		√	√	√	√
Hungary	√	√	√	√	√	
Iceland	√	√	√	√	√	
Ireland	√	√	√	√	√	√
Italy	√	√	√	√	√	√
Kazakhstan				√		
Kyrgyzstan	√			√		
Latvia	√				√	
Liechtenstein	√	√	√	√	√	
Lithuania	√			√	√	
Luxembourg	√	√	√	√	√	
Malta	√	√	√		√	
Monaco		√	√		√	
Montenegro	√			√	√	
Netherlands	√	√	√	√	√	√
Norway	√	√	√	√	√	√

STATE	ICCPR (First Optional Protocol) ²⁹⁴	ICERD (art. 14 declaration) ²⁹⁵	CAT (art. 22 declaration) ²⁹⁶	CEDAW (Optional Protocol) ²⁹⁷	European Convention for the Protection of Human Rights and Fundamental Freedoms ²⁹⁸	European Social Charter (Collective Complaints Protocol) ²⁹⁹
Poland	√	√	√	√	√	
Portugal	√	√	√	√	√	√
Republic of Moldova	√			√	√	
Romania	√	√		√	√	
Russian Federation	√	√	√	√	√	
San Marino	√			√	√	
Serbia	√	√	√	√	√	
Slovakia	√	√	√	√	√	
Slovenia	√	√	√	√	√	√
Spain	√	√	√	√	√	
Sweden	√	√	√	√	√	√
Switzerland		√	√	√	√	
Tajikistan	√					
TFYR Macedonia	√	√		√	√	
Turkey	√		√	√	√	
Turkmenistan	√					
Ukraine	√	√	√	√	√	
UK				√	√	
Uzbekistan	√					

294. Last updated 5 March 2008

295. Last updated 21 April 2008

296. Last updated 18 April 2008

297. Last updated 25 January 2008

298. Last updated 6 September 2007

299. Last updated 29 June 2007

Middle East

Note: no relevant regional mechanisms

STATE	ICCPR (First Optional Protocol) ³⁰⁰	ICERD (art. 14 declaration) ³⁰¹	CAT (art. 22 declaration) ³⁰²	CEDAW (Optional Protocol) ³⁰³
Bahrain				
Iran, Islamic Republic of				
Iraq				
Israel				
Jordan				
Kuwait				
Lebanon				
Oman				
Palestine				
Qatar				
Saudi Arabia				
Syrian Arab Republic				
United Arab Emirates				
Yemen				

300. Last updated 5 March 2008

301. Last updated 21 April 2008

302. Last updated 18 April 2008

303. As at January 2008

The Americas and the Caribbean

STATE	ICCPR (First Optional Protocol) ³⁰⁴	ICERD (art. 14 dec- laration) ³⁰⁵	CAT (art. 22 dec- laration) ³⁰⁶	CEDAW (Optional Protocol) ³⁰⁷	American Convention on Human Rights	American Convention (recognition of jurisdic- tion of Court) ⁷	American Convention (recognition of compe- tence of Commission [art. 45]) ⁷
Antigua & Barbuda				√			
Argentina	√		√	√	√	√	√
Bahamas							
Barbados	√				√	√	
Belize				√			
Bolivia	√	√	√	√	√	√	
Brazil		√	√	√	√	√	
Canada	√		√	√			
Chile	√	√	√		√	√	√
Colombia	√			√	√	√	√
Costa Rica	√	√	√	√	√	√	√
Cuba							
Dominica					√		
Dominican Republic	√			√	√	√	
Ecuador	√	√	√	√	√	√	√
El Salvador	√				√	√	
Grenada					√		
Guatemala	√		√	√	√	√	
Guyana	√						
Haiti					√	√	
Honduras	√				√	√	
Jamaica					√		√
Mexico	√	√	√	√	√	√	
Nicaragua	√				√	√	√
Panama	√			√	√	√	
Paraguay	√		√	√	√	√	
Peru	√	√	√	√	√	√	√
Saint Kitts & Nevis				√			
Saint Lucia							
Saint Vincent & the Grenadines	√						
Suriname	√				√	√	
Trinidad & Tobago	√				√	√	
USA							
Uruguay	√	√	√	√	√	√	√
Venezuela	√	√	√	√	√	√	√

304. Last updated 5 March 2008

305. Last updated 21 April 2008

306. Last updated 18 April 2008

307. Last updated 25 January 2008

308. Information accessed 4 July 2008, last updated ??

South Asia

Note: no relevant regional mechanisms

STATE	ICCPR (First Optional Protocol) ³⁰⁹	ICERD (art. 14 declaration) ³¹⁰	CAT (art. 22 declaration) ³¹¹	CEDAW (Optional Protocol) ³¹²
Afghanistan				
Bangladesh				√
Bhutan				
India				
Maldives	√			√
Nepal	√			√
Pakistan				
Sri Lanka	√			

309. Last updated 5 March 2008

310. Last updated 21 April 2008

311. Last updated 18 April 2008

312. Last updated 25 January 2008

Annex 8 – Resources to support law reform

1. Committee on the Rights of the Child

Committee on the Rights of the Child (2006), General Comment No.8 on “The right to protection from corporal punishment and other cruel or degrading forms of punishment (articles 19, 28(2) and 37, inter alia)” www2.ohchr.org/english/bodies/crc/comments.htm (English, French, Spanish)

Committee on the Rights of the Child (2001), General Comment No.1 on “The aims of education” www2.ohchr.org/english/bodies/crc/comments.htm (English, French, Spanish)

Committee on the Rights of the Child (2007), General Comment No.10 on “Children’s rights in juvenile justice” www2.ohchr.org/english/bodies/crc/comments.htm (Arabic, Chinese, English, French, Russian, Spanish)

Concluding observations and recommendations to states to prohibit corporal punishment – relevant extracts at www.endcorporalpunishment.org (click on “Human rights, law and corporal punishment”, then “Committee on the Rights of the Child”, or see individual state reports under “Global progress”)

2. Council of Europe

Council of Europe (2008), *Eliminating Corporal Punishment: A human rights imperative for Europe’s children*, 2nd edition, Strasbourg: Council of Europe Publishing www.coe.int/t/transversalprojects/children/violence/CPPublications_en.asp (English, French)

Council of Europe (2007), *Abolishing corporal punishment of children: Questions and answers*, Strasbourg: Council of Europe Publishing, www.coe.int/t/transversalprojects/children/violence/CPPublications_en.asp (English, French)

Council of Europe (2007), *Parenting in contemporary Europe: A positive approach*, Strasbourg: Council of Europe Publishing, www.coe.int/t/transversalprojects/children/violence/CPPublications_en.asp (English, French)

Council of Europe (2007), *Views on positive parenting and non-violent upbringing*, Strasbourg: Council of Europe Publishing, www.coe.int/t/transversalprojects/children/violence/CPPublications_en.asp (English)

Council of Europe (2007), *Information leaflet: Abolishing corporal punishment in a nutshell*, Strasbourg: Council of Europe Publishing, www.coe.int/t/transversalprojects/children/violence/CPPublications_en.asp (English, French)

Website www.coe.int/t/transversalprojects/children/violence/corporalPunishment_en.asp (English, French):

- Media and information packs
- Selected legal texts

- Viewpoints
- Publications on corporal punishment and positive parenting
- Country reports on corporal punishment in Europe (online appendices to the book *Eliminating corporal punishment – A human rights imperative*)
- Flash news – Progress in Europe towards a total ban

3. Global Initiative to End All Corporal Punishment of Children

Global Initiative to End All Corporal Punishment of Children (2008), *Prohibiting corporal punishment of children: A guide to legal reform and other measures*, www.endcorporalpunishment.org/pages/pdfs/LegalReformHandbook2008.pdf

Global Initiative to End All Corporal Punishment of Children (2007), *Ending legalised violence against children: Global report 2007* www.endcorporalpunishment.org/pages/pdfs/reports/GlobalReport2007.pdf

Website www.endcorporalpunishment.org (English, but with some links to resources in other languages):

- Introducing the Global Initiative – includes useful list of supporters of GI aims
- Human rights, law and corporal punishment – information relating to the Convention on the Rights of the Child and other international treaties and their monitoring bodies; CRC concluding observations relating to corporal punishment for all states (by session and by state); information on national high-level court judgments
- Global progress – analysis of legality of corporal punishment in every state and territory, organised regionally and globally; GI global report; individual state reports; information on countries which have prohibited
- Research – summaries of prevalence research, research into children's own views and experiences, research into effects of corporal punishment
- Resources – internet and other resources to support the promotion of non-violent discipline in the home and schools; links to other campaigns; downloads of GI reports etc
- Legal reform – legislative and other measures to support law reform (companion to the *Legal Reform Handbook*)

Also Countdown to universal prohibition; Latest developments; RSS feed; Newsletter

Note: there is a companion site in Spanish www.acabarcastigo.org/ (but this needs updating)

4. Inter-Parliamentary Union

Inter-Parliamentary Union & UNICEF (2007), *Eliminating Violence Against Children (Handbook for Parliamentarians No. 13)*, www.ipu.org/english/handbks.htm (English, French)

5. Sweden

Durrant, J. E. (2000), *A Generation without Smacking: The impact of Sweden's ban on physical punishment*, London: Save the Children, www.endcorporalpunishment.org/pages/pdfs/GenerationwithoutSmacking.pdf

Swedish Ministry of Health and Social Affairs/Ministry for Foreign Affairs (2001), *Ending Corporal Punishment – Swedish Experience of Efforts to Prevent All Forms of Violence against Children – and the Results*, Stockholm: Ministry of Health and Social Affairs/Ministry for Foreign Affairs, www.endcorporalpunishment.org/pages/pdfs/ending.pdf

6. New Zealand

EPOCH NZ website, www.epochnz.org.nz/ – includes extensive information about reform in New Zealand, including all campaign materials and resources

Office of the Children's Commissioner www.occ.org.nz/, includes a number of resources related to child discipline

Wood, B., Hassall, I. & Hook, G. (2008), *Unreasonable Force – New Zealand's journey towards banning physical punishment of children*, Save the Children, New Zealand – order form at www.savethechildren.org.nz/index.html

7. UN Study on Violence against Children

UN General Assembly (2006), *Report of the independent expert for the United Nations study on violence against children [Final report]*, A/61/299, www.violencestudy.org/a555 (Arabic, Bulgarian, Chinese, English, Farsi, French, Italian, Korean, Russian, Spanish)

UN General Assembly (2007), *Report of the independent expert for the United Nations [Progress report]*, A/62/209, www2.ohchr.org/english/bodies/crc/study.htm (Arabic, Chinese, English, French, Russian, Spanish)

Pinheiro, Paulo Sérgio (2007), *World Report on Violence Against Children*, www.violencestudy.org/a553 (Arabic, English, French)

UN Study on Violence against Children – child friendly materials at www.violencestudy.org/a554 (English, French, German)

8. Save the Children

Alliance staff Xtranet (Registration required) – provides information related to:

- legal resources www.savethechildren.net/xtranet/resources_to_use/legal/main.html
- programme areas, including child participation and corporal punishment www.savethechildren.net/xtranet/resources_to_use/prog_areas/advocacy_initiatives/main.html
- UN News www.savethechildren.net/xtranet/resources_to_use/news/main.html

International Publications – includes resources on child participation www.savethechildren.net/alliance/resources/publications.html

Publication for making it happen (the UN Study on Violence against Children) – includes a number of useful publications on ending corporal punishment, including research studies on children's views and experiences, advocacy leaflets in Spanish, Arabic and French, and information on positive discipline www.rb.se/eng/Programme/Exploitationandabuse/Corporalpunishment/1415+Publications.htm

Faith-based resources

1. Churches' Network for Non-Violence

Website www.churchesfornon-violence.org – includes new multi-faith resources section and information related to prohibition of corporal punishment and all the main faith groups

2. Arigatou Foundation – Global Network of Religions for Children

Website www.arigatou.ch. The Arigatou Foundation is an international faith-based NGO with a mission to create a better environment for all children of the world in working for the implementation of the UN CRC. It provides training and education on children's rights. Areas of expertise:

- Children and violence
- Rights-based programming
- Minority or indigenous children
- Children and the media
- Children and participation
- Children and education

3. Children in Islam – Their care, protection and development

Includes research papers and extracts of Koranic verses, Hadiths and Sunnas that provide useful guidance on children's rights [www.churchesfornon-violence.org/Egy-homepage-Childreninislamengsum\(1\).pdf](http://www.churchesfornon-violence.org/Egy-homepage-Childreninislamengsum(1).pdf)

4. Gentle Christian Mothers

Website www.gentlemothering.com Articles include:

- *Christian Look at Attachment Parenting by Jessica Wigley*
- *To spank or not to spank: Choosing not to spank*

- *The Proverbs by Laurie Morgan*
- *Gentle Mothering*

5. Kirklees Parenting Forum: Positive Parenting for Muslim Parents

Website www.kirklees.gov.uk/community/health-care/childrenandfamilies/parentsupport/madressahs.shtml

As part of the Madressah Project, the Parent Support Forum has produced a booklet (*Positive Parenting: Give your child the best start in life*). It is written for Muslim parents and describes the benefits of positive parenting and how this approach is supported by Islam.

6. Non-violent parenting in the Hindu Faith

‘Spare the Rod – Save the Child’, by Satguru Sivaya Subramuniyaswami,
www.hinduismtoday.com/archives/1997/2/1997-2-03.shtml

7. Parenting in Jesus’ Footsteps

Website www.parentinginjesusfootsteps.org

8. Project Nospank

Website www.nospank.net/toc.htm. Includes:

The Bible and Positive Parenting (www.nospank.net/bible1.htm)

The dangers of spanking children

Advice of violence-prevention professionals compared with the advice of those who advocate smacking (www.nospank.net/perlin2.htm)

Publications distributed at the global workshop

Banning Corporal Punishment of Children: Romania’s experience, Save the Children Sweden, Save the Children Romania

Positive Discipline at your School: Seven steps to prevent corporal punishment and focus on learning, Save the Children Sweden Southern Africa Office and MSTP

Religions, the Promotion of Positive Discipline and the Abolition of Corporal

Reporting on Violence against Children: A thematic guide for non-governmental organisations reporting to the UN Committee on the Rights of the Child, NGO Group for the Convention on the Rights of the Child

Punishment: A Position Paper, The South Africa Council of Churches

Summary of the Children’s Act 2001, ANPPCAN Kenya Chapter

The Tree by the River: A story about corporal and humiliating punishment and the need for positive discipline, RAPCAN, South Africa

The Tree by the River: An activity book that explores the impact of corporal punishment and promotes positive discipline, RAPCAN, South Africa

Unreasonable Force: New Zealand's journey towards banning the physical punishment of Children, Wood, Beth; Hassal, Ian, and Hook, George with Ludbrook, Robert, Save the Children, 2008

Why effective national child protection systems are needed: Save the Children's key recommendations in response to the UN Secretary General's Study on Violence against Children, Save the Children

Pamphlets

Child Protection is Everybody's Business, ANPPCAN Kenya Chapter

Do you know your rights?, Save the Children Papua New Guinea

How do you treat your child: Love and Protect your Children, Save the Children Papua New Guinea

Provisions of The Children's Act on the Role of Local Authorities, ANPPCAN Kenya Chapter

Newsletters

Special: Ban on corporal punishment against children, Regional Newsletter (Jan-April 2008), Save the Children Sweden, Regional Programme for Latin America and the Caribbean

Films screened at the workshop

Say NO to Violence (television spot), Save the Children, Papua New Guinea

Time for change: Filipino Children and Parents Speak Out against Corporal Punishment, produced by Save the Children Sweden in the Philippines, 2008

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We deliver immediate and lasting
improvements to children's lives worldwide.*



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