

2 Reforming the law

2.1 The elements of legal reform

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The material in this chapter, reflecting sessions in the workshop, is based on the legal reform handbook, *Prohibiting corporal punishment of children: A guide to legal reform and other measures*, published by the Global Initiative to End All Corporal Punishment of Children in January 2008. The handbook covers: the human rights imperative to prohibit all corporal punishment, legislative measures to prohibit all corporal punishment, and other measures to support prohibition, including awareness raising, promoting positive parenting, integrating prohibition into professional codes of conduct, linking strategies for prohibition with strategies addressing domestic violence, and monitoring and evaluation. It is available as a pdf on the website of the Global Initiative (www.endcorporalpunishment.org).

Three basic elements

Effectively working towards prohibiting corporal punishment requires a clear understanding of *why* prohibition is needed (the human rights imperative), what should be prohibited (all corporal punishment and other cruel and degrading punishments) and *how* prohibition is achieved (law review and reform).

Why is prohibition needed?

Prohibition is necessary because all people, including children, have human rights to

respect for their dignity and physical integrity, protection from all forms of violence, and equal protection under the law. The UN Committee on the Rights of the Child has made it absolutely clear that prohibition in all settings is required to implement the Convention on the Rights of the Child.

The Committee has also emphasised that, in addition to being an obligation of States, prohibition is ‘a key strategy for reducing and preventing all forms of violence in societies’.⁷

What should be prohibited?

All corporal punishment and other cruel or degrading forms of punishment should be prohibited. In its General Comment No. 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia), the Committee on the Rights of the Child provides a detailed definition of corporal punishment which encompasses both physical and psychological punishment of children (see box). Significantly, it also emphasises that corporal punishment is *always* degrading – it always has a negative impact on children’s emotions, breaching their physical and emotional integrity.

7. General Comment No. 8, para. 3

Defining corporal punishment

Corporal punishment is:

“... any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting (‘smacking’, ‘slapping’, ‘spanking’) children, with the hand or with an implement – a whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion (for example, washing children’s mouths out with soap or forcing them to swallow hot spices). In the view of the Committee, corporal punishment is invariably degrading. In addition, there are other non-physical forms of punishment that are also cruel and degrading and thus incompatible with the Convention. These include, for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child.”

- UN Committee on the Rights of the Child (2006),
General Comment No.8, para. 11

General Comment No.8 provides detailed guidance on prohibition and its implementation. It should be translated into as many languages as possible so that it is accessible across the world.

How is prohibition achieved?

Prohibition is achieved by law review followed by law reform.

Law review

All laws relevant to corporal punishment must be reviewed. This includes:

- laws which authorise the infliction of corporal punishment and/or state how it should be carried out
- laws (including common law, or case law) which provide legal defences or justifications such as ‘reasonable chastisement’, ‘the use of force for purposes of correction’, ‘moderate correction’, etc.
- laws which are ‘silent’, neither explicitly authorising nor prohibiting corporal punishment.

Examples of laws authorising corporal punishment

‘The Court may order the child, if a male, to be whipped with not more than ten strokes of a light cane – (i) within the Court premises; and (ii) in the presence, if he desires to be present, of the parent or guardian of the child.’

‘Firm discipline shall be maintained and enforced in all schools, but all degrading and injurious punishments are prohibited, and no child shall receive corporal punishment of any form save as is hereinafter in this regulation provided.’

Examples of legal defences and justifications

‘Parents are authorised to reprimand and adequately and moderately correct their children.’

‘Discipline administered by a parent or legal guardian to a child does not constitute cruelty provided it is reasonable in manner and moder-

ate in degree and does not constitute physical or psychological injury as defined herein.'

Where legal defences allow 'reasonable' or 'moderate' punishment, it is left to the courts to decide what is and is not reasonable. This contributes to a confused overall message about hitting or assaulting children in the name of 'discipline', confirming only that at least some level of violence is acceptable.

Examples of common laws allowing corporal punishment

The old English common law defence of 'reasonable chastisement' is used in many countries. In 1860, a judgment was made in a case where a teacher had beaten a boy to death. The teacher was convicted of manslaughter, but the judge stated that English law allows 'moderate and reasonable chastisement'. This judgment has been cited around the world.

Ancient Roman law gave fathers the right to kill their child. When this right was removed, around 300 BC, it was replaced by permission for male relatives to inflict 'reasonable' physical punishment on their children.

'Silent' laws

In some states, the law is completely silent on corporal punishment and there is no case law on the issue, but nevertheless there is a traditional, assumed 'right' of parents and others with parental authority to use it.

Law reform

Law reform to prohibit all corporal punishment and other cruel or degrading punishment requires:

- removing all defences and authorisations of corporal punishment
- explicitly prohibiting corporal punishment and other cruel and degrading punishment.

Unless legislation explicitly prohibits corporal punishment, it leaves room for ambiguity and misinterpretation.

As the definition adopted by the Committee on the Rights of the Child makes clear, all forms and degrees of corporal punishment should be prohibited. States do not compromise over protecting other population groups – e.g. women or older people – from all forms of violence. Children have a right to equal protection.

In some countries, corporal punishment is prohibited in the constitution but this is not reflected in criminal and other legislation. Where the constitution goes so far as to explicitly prohibit corporal punishment, it is important that other legislation is amended to re-emphasise this. However, when prohibition is enacted in national legislation, it is not necessary to pursue explicit prohibition in the constitution. In general, constitutions deal with basic principles, such as respect for physical integrity and human dignity and equal protection under law. But the constitution *will* require reform if, as in some states represented at the workshop, it specifically permits corporal punishment of children.

Repeal is not enough

Prohibition of corporal punishment of children in all settings requires the removal of any legal defences and justifications, wherever they exist in common (case) law or legislation. All laws authorising or regulating the administration of corporal punishment, e.g. in laws applying to education or to care or penal systems, must be removed.

However, simply repealing (removing) a defence or authorisation from written law is a 'silent' reform. It does not send a clear educational message to society that corporal punishment is no longer lawful. But when the repeal of the defence is accompanied by the insertion of a statement which makes it clear that assault can no longer be justified as punishment or correction, explicit prohibition is achieved.

The law needs to be clear and explicit so that adults and courts cannot misinterpret it.

Examples of explicit prohibition

‘Children are entitled to care, security and a good upbringing. Children are to be treated with respect for their person and individuality and may not be subjected to corporal punishment or any other humiliating treatment.’

‘Parental authority confers rights and imposes the duty to educate, care, watch over and discipline children, excluding physical punishment or any other form of mistreatment or degrading treatment.’

Guidance or statements of policy are not enough

It is not enough for states to advise parents and others that corporal punishment should not be used – it must be written into the law. Otherwise, the idea persists that breaching a child’s human dignity and physical integrity is acceptable, normal or even – as some still suggest – ‘in their best interests’. This perpetuates children’s status as objects or property.

Key elements of law reform and its implementation

- repeal of any legal defences and any laws or regulations authorising corporal punishment so as to ensure that the criminal law on assault applies equally to any assault on a child, wherever the child is and whoever the perpetrator
- explicit prohibition of corporal punishment and other cruel or degrading punishment in legislation applying in the various settings of children’s lives – home and family, schools, and care and justice systems
- establishment of a range of appropriate responses and sanctions to address the continued use of corporal punishment by parents and others
- clear direction and training to all providers of services for children and families to support and enforce prohibition
- public and professional education about the law change.

The only way to ensure clear, uncompromising prohibition of all corporal punishment is to use clear, uncompromising language in legislation.

Use of ‘corporal/physical punishment’ and other terminology

The terms ‘corporal punishment’ and ‘physical punishment’ mean exactly the same and are interchangeable. The phrase ‘physical and humiliating punishment’ misleadingly suggests that physical punishment is not itself humiliating. It is preferable to spell out that law reform is aimed at prohibiting ‘corporal/physical punishment and all other forms of cruel or degrading punishment’. This reflects the language in article 37 of the Convention on the Rights of the Child and in the Committee’s General Comment No. 8. Using an acronym like ‘PHP’ should be avoided because it does not communicate the reality of what we are seeking to prohibit and eliminate and the gravity of the issue.

Occasionally, it appears that a country may face the situation of not having words for ‘corporal punishment’ in the language. This does not mean, of course, that physical punishment itself is not used in childrearing. The challenge is to find a way to make explicitly clear in legislation that existing prohibitions of, for example, violence, assault, and humiliation, do apply in the context of disciplining children.

Portable rights for children

There is an irrational logic behind banning corporal punishment first in penal systems, then in schools, and lastly in homes. The home is where the child spends the majority of his or her time, yet national laws largely avoid prohibition in this setting because it is believed to be a ‘private’ sphere. Furthermore, many teachers are also parents, and carry their attitudes about corporal punishment from the home into school.

Children really need ‘portable’ rights, including the right to protection from all forms of violence including all corporal punishment, which they carry with them wherever they are – home, school, workplace, institutions. Once all authorisations and defences for corporal punishment are removed, the basic criminal law on assault will apply to children. This means that any assault, whether in the context of punishment or ‘discipline’, will be unlawful. Children, like adults, will be protected by the criminal law wherever they are and whoever the perpetrator.

But to send a clear message, in addition the prohibition of corporal punishment needs to be stated in relevant sectoral legislation, applicable in the penal system, schools, and all forms of alternative care, whether provided by the state or by private bodies.

Legitimate use of reasonable force – to protect children

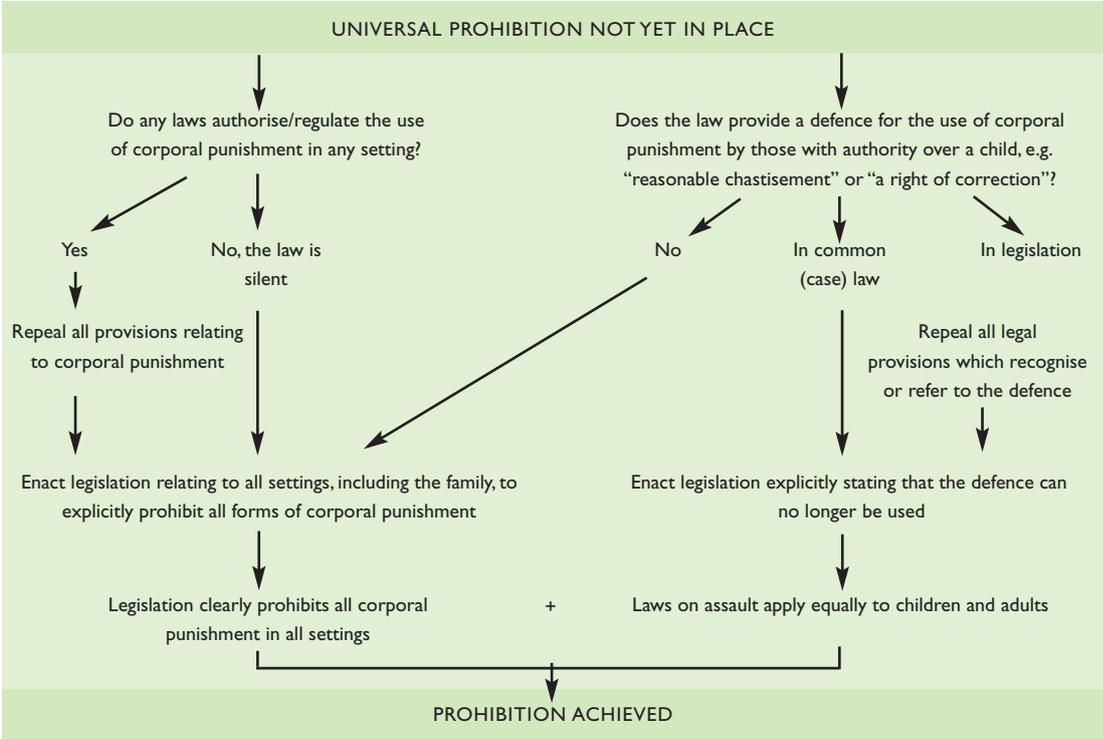
Parents and other carers often need to use some degree of physical force to protect or restrain children, especially babies and young children.

Although not strictly necessary, some States have found that parents and others are reassured if the legislation which prohibits all corporal punishment also confirms that reasonable force may be used for protective purposes.

As the Committee states in General Comment No. 8 (para. 14):

‘The Committee recognises that 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. The law in all States, explicitly or implicitly, allows for the use of non-punitive and necessary force to protect people.’

The following diagram summarises the process of law reform to achieve explicit prohibition of all corporal punishment and other cruel or degrading punishment of children.



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

Sharon Owen

Eliminating corporal punishment – focusing on law reform

Corporal punishment, and the task of addressing it, is a wide-ranging issue. It affects children of all ages, in all settings. It takes many forms. The overarching 'problem' is the fact that corporal punishment happens. The 'solution' is to reduce and ultimately to end it. Law reform is one of many measures undertaken to achieve this. Within this 'big picture' framework, the key question in planning and evaluation is: How do the measures taken contribute to ending corporal punishment of children?

But achieving prohibition requires that the issue is re-framed, so that the 'problem' is recognised as corporal punishment being lawful, and the 'solution' is to prohibit it. The way to do this is through the law reform process. The key question in planning and evaluation becomes: How do the measures taken help to realise children's right to equal protection from assault in law?

	Eliminating corporal punishment	Prohibiting corporal punishment
Problem	Corporal punishment of children	Corporal punishment is lawful
Solution	Eliminate it	Prohibit it
Necessary measure(s)	Law reform, awareness raising and education, research	Law reform
Key question	How do the measures we take contribute to ending corporal punishment of children?	How do the measures we take help to realise children's right to equal protection from assault in law?

These two ways of thinking are not synonymous. The development of positive parenting programmes for new parents, or the adoption of an anti-corporal punishment policy by a government education ministry, will both help to reduce the prevalence of corporal punishment. However, neither comes any closer to explicit prohibition in law and to equal legal protection for children from assault. In fact, both the positive parenting programmes and the anti-corporal punishment policy would be undermined by the absence of laws clearly stating that hitting children in the name of discipline is wrong.

Law reform to give children equal protection from assault is an immediate obligation. Delaying prohibition until sufficient public education and awareness raising has taken place is unjustifiable. Organisations need to believe in their own ability to pursue proper legal reform. They need a re-evaluation of what needs to be done in light of this, including:

- looking at how research can be used to support law reform
- aiming to ensure that media debates give a clear message that corporal punishment should be prohibited. Some debates question whether prohibition is *desirable*, but children's right to equal protection is non-negotiable
- promoting positive discipline not only to convince people that bringing children up without hitting them is possible, but to educate them about what life will be like when prohibition is achieved (e.g. parents will not have to choose between being prosecuted or having unruly children, but will be made aware of a range of non-violent ways to

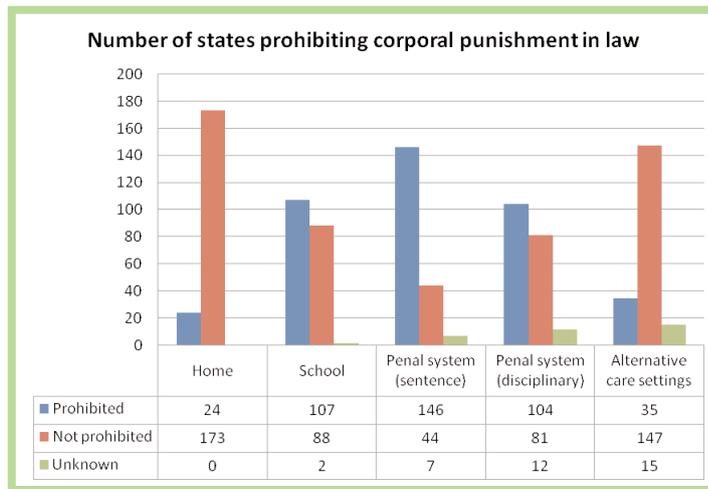
teach discipline, and there will be all kinds of support when things go wrong).

The starting point for legal reform has got to be the recognition that existing law does not explicitly prohibit corporal punishment.

This recognition and the actions taken as a result, account for global progress so far towards achieving universal prohibition.

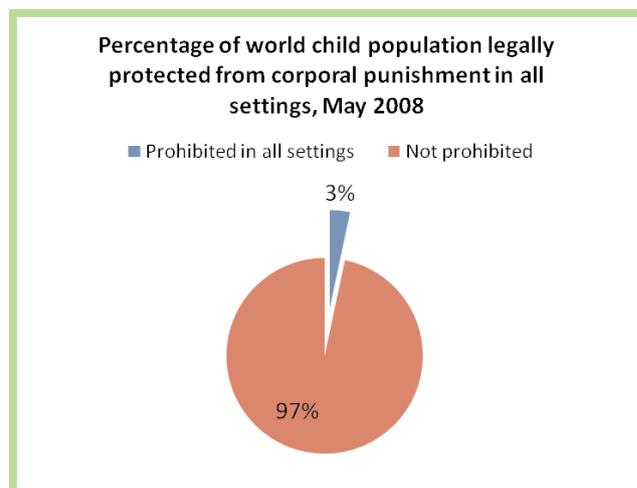
Progress across the world

In 24 states, the law clearly prohibits all corporal punishment of children, including in the family home and by parents. In a further 25 states, governments have made public commitments to full prohibition and/or legislation has been drafted which includes explicit prohibition and is being discussed. Over 100 states have prohibited corporal punishment in schools and in penal institutions, 146 as a sentence of the courts, and 35 in all alternative care settings (see Annex 6).



This means that currently only 3.4 per cent of the world child population is fully protected in law from assault. This would increase to 18.6 per cent if those who have made commitments or begun the process of reform were to follow it

through to enacting legislation. If every state represented at the workshop achieved prohibition, the figure would be 54.2 per cent, significantly tipping the balance.



Facilitating legal reform

1. Recognising the gap between the existing and the ideal law

The foundation for pursuing legal reform is a clear understanding of what the law says now, and what it should say to achieve prohibition.

It is important to establish definitively whether or not corporal punishment has been prohibited in the home, in schools, in the juvenile justice system and in alternative care settings. If it is prohibited, it is not enough simply to assert this – the legislation should be specifically identified and the exact wording of the relevant provisions should be examined. If it has not been prohibited, the legal provisions which make corporal punishment lawful should be identified, including references to a parental ‘right to administer reasonable punishment’ and similar provisions relating to discipline of children, provisions stating how corporal punishment in schools and other institutions should be carried out, and sentencing options available to the courts. Once this information is gathered, it is a simple step to identify which laws to target in pursuing legal reform.

The next step is to identify what is needed in the place of the laws allowing corporal punishment. The ultimate aim is for the law to explicitly prohibit corporal punishment in all settings. This is not difficult to imagine. The ideal law would simply state that ‘all corporal punishment and other cruel or degrading punishment of children is prohibited’. This statement would be found in legislation relating to children in all settings and applicable to all adults with any kind of authority over children. There may also be a need to repeal defences such as ‘reasonable punishment’ or ‘use of force by way of correction’ from common law or legislation, and to repeal laws explicitly authorising and regulating corporal punishment in education, care and justice systems.

Reforming the law

Before	After
Absence of prohibition in existing law	Explicit prohibition in new law
Recognition of a ‘right to discipline’ etc. (including in common law)	These provisions repealed
Authorisation to use corporal punishment	
Regulation of how it should be administered	

The issue of prohibiting corporal punishment is often overcomplicated. For example, many people believe that corporal punishment is already unlawful under legislation which prohibits ‘violence’ or ‘inhuman or degrading treatment’, or which protects ‘physical integrity’ or ‘personal honour and dignity’. These phrases are included in draft legislation in the belief that they do the job of prohibiting all corporal punishment.

But the problem is that nearly the world over, corporal punishment is socially and culturally accepted as a disciplinary measure in childrearing. For this reason, it has never been viewed as harmful, abusive or even violent. On the contrary, it is viewed as necessary and for a child’s ‘own good’. Society has long deluded itself in this way. There is a danger that those pursuing prohibition can similarly delude themselves to believe that they are achieving legal reform when they are not. In order to explicitly prohibit corporal punishment, the law must refer to ‘corporal punishment’.

Another mistake is to draft legislation that prohibits only corporal punishment that causes harm. This falls short of complete prohibition again, because it misleadingly implies that there is a form of corporal punishment that does not cause harm. In this way, it supports the common belief that a certain degree

of corporal punishment in childrearing is ultimately for a child's own 'good'.

Learning from the pre-workshop questionnaires⁸

It was clear from the responses to the questionnaires circulated to all participants in advance of the workshop that moves towards reform have been under way in many countries. But it was less easy to see a clear recognition of the gap between existing legislation and how that should be changed to achieve prohibition. For example, a number of states indicated that prohibition had already been achieved in one or more settings, but when asked for the detail of the law this could not be verified.

As already stated, it is crucial to have a clear understanding of existing law, because knowing the law makes it easier to change it. From the detailed communication with individuals, following up information provided in the questionnaire responses, three principles emerged in establishing the current legality of corporal punishment with a view to prohibiting it:

1. See the law for yourself. Do not be satisfied with assertions that corporal punishment is already prohibited but look for the evidence. If the law does not clearly say that corporal punishment is prohibited, then it almost certainly is not.
2. Keep asking questions. Continue researching the law until you can pinpoint exactly what the law says and where it says it.
3. Monitor reviews and revisions of legislation. These present opportunities to enact prohibition or, if this already exists, to ensure that the prohibition is maintained in the new law.

This rigour in interrogating existing law should also be applied in drafting prohibiting

legislation. Many of the pre-workshop questionnaire responses indicated that legislation had been drafted which would prohibit corporal punishment in the home and other settings, but closer scrutiny revealed this was not the case. For example, in one state where the government has long been committed to prohibition, the draft legislation prohibits only corporal punishment that causes harm. In another similarly committed state, a great deal of good work has been done on legal reform but this is currently let down by a draft law that does not explicitly refer to corporal punishment, only to 'violence' and 'physical violence'. Further work is needed to get the law that will really achieve prohibition.

Examples of draft laws that do not achieve full prohibition

'Corporal punishment which leads to physical and mental harm may not be used.'

'The use of all physical and mental violence is prohibited.'

'The child has a right to protection from all kinds of degrading and inhuman treatment or punishment.'

'Discipline of a child shall not affect his/her human dignity and personal integrity.'

'Every child has the right to be protected from torture, cruel, inhuman or degrading treatment or punishment, and in particular ... no child shall be subjected to corporal punishment by chiefs, police; teachers, prison guards or any other person in any place or institution, including schools, prisons and reformatories; ...'

'The Government shall engage all sectors of society and undertake all necessary legislative, administrative and other measures to expeditiously implement the rights in the present Bill and shall, in particular undertake to ... ensure

that corporal punishment is abolished and that school or parental disciplining is undertaken in a manner that is consistent with the inherent dignity of the child.'

All of these drafts fall short of explicit prohibition.

Example of a draft law that does achieve full prohibition

Parents and guardians have the right and responsibility to *'discipline their children, as well as any child or adolescent under their care without causing harm to their health, physical and psychological integrity, and personal dignity, therefore excluding the use of physical and humiliating punishment, even if it seems to be light'*.

The pre-workshop questionnaires explored other issues relevant to legal reform, including advocacy within government, parliamentary debate, media debate, high-level support for prohibition and opportunities for reform. These will be considered below.

2. Advocacy within government

Just over two-thirds of those who responded to the questionnaire had advocated prohibition of corporal punishment with their governments, with varying degrees of success. In many cases, the advocacy was clearly focused on the need for explicit prohibition in law. In others, it seemed more about raising awareness of the issue. These differences in focus seem to be reflected in the different outcomes of the advocacy.

Most significantly, advocacy resulted in writing initial draft bills and subsequent involvement in the drafting process. This is a crucial element of reform.

Sometimes, advocacy resulted in non-legislative bans on corporal punishment. Advocacy

resulting in minimum 'standards' or 'policies' that ban corporal punishment, or the development of training manuals – while important in eliminating corporal punishment – needs to be evaluated carefully in terms of legal reform. The question to ask of non-legislative bans are:

- How far do they really help towards equal protection in law?
- How far are they undermined or limited by the absence of prohibition in law?
- How far do they hinder further advocacy for prohibition? For example, does the development of minimum standards fuel the common argument that there are enough safeguards in place to protect children, and therefore that the law does not need to be changed?

Other outcomes of advocacy were identified:

- the formation of children's rights committees and other influential groups with a potential influence on law affecting children
- involvement of government officials
- statements endorsed by high officials
- research on corporal punishment
- attention to implementation of existing prohibition
- workshops and sensitisation sessions.

For each of these, organisations need to return to the key questions of legal reform, and ask to what extent they contributed to legal reform, or were they more broadly related to elimination.

Remember – children have a *right* to equal protection.

3. Parliamentary debate

A few states indicated that there has been some parliamentary debate. The ideal situation would be where a government had made a public commitment to prohibition, with debate centred on *how* to enact prohibition. But debate about *whether* to prohibit cannot be avoided. It is vital to prepare for this as much as possible by ensuring that there are ready answers to people's misgivings about prohibition which key parliamentary supporters of prohibition have been primed to use. Once it is accepted that prohibition is the *only* way to achieve equal protection for children, debate can move on to look at ensuring that the new law is explicit and that it leaves no legal loopholes, and at issues of implementation and monitoring, etc.

Sometimes it is reported that partial prohibition has been obtained 'on the quiet side', with little apparent debate. The attraction of this is clear, but again the question should be asked how far it marks progress towards achieving equal protection. How far is it a missed opportunity for addressing equal protection for children in all settings? Partial prohibition in schools or some alternative care settings does not address the issue of equal protection for children under the law.

4. Media debate

There was an understanding in many of the responses to this question that media coverage is not the same as serious debate. There was also a recognition that debate without a consistent clear message was of limited use in moving towards prohibition. Media publicity highlighting the problem of corporal punishment and its negative effects is undoubtedly important in reducing corporal punishment. However, it may not in itself represent progress towards equal protection in law. The most effective debate is strategic, and occurs within the context of media campaigns advo-

cating law reform to achieve equal protection for children. Again, preparation is the key, including ready responses to frequently asked questions and objections to reform.⁹

Sometimes a high profile case of severe corporal punishment, or the publication of a report or a research study, can provide a media opportunity to push for prohibition. Other opportunities are presented in connection with special days. Some of those mentioned at the workshop were the annual 'No hitting day' initiated in the US,¹⁰ and the African Day of the Child.

5. Identification of high level supporters

The support of high profile and influential people can form a crucial support for reform. Some questionnaire responses indicated that high level supporters had been identified, but for the most part few specific people or institutions were named.

In some countries, the task of prohibiting corporal punishment is impeded by politicians and other powerful people speaking out in support of corporal punishment. Persistence is crucial. Prominent leaders in society and relevant professions (e.g. paediatricians) should be identified, who will speak out about the dangers of corporal punishment and about positive discipline and parenting experiences. Publicly 'mocking' those politicians who support corporal punishment may provide an opportunity to expose the hypocrisy behind their arguments and to make the reasoned case for prohibition, emphasising the obligation on governments to prohibit corporal punishment under the UNCRC.

No country that has achieved full prohibition has done so in the context of majority public support for law reform. Rather, prohibition has been enacted because governments can no longer avoid their human rights obligations.

6. Opportunities for reform

To maximise efforts towards law reform, opportunities for influencing the law should be identified and acted upon. These include predictable opportunities, ad hoc opportunities and opportunities created by those who want the law changed:

- Predictable opportunities. Universal opportunities, common to varying degrees in all states, include those provided by the reporting process under the Convention on the Rights of the Child and other treaties (e.g. the Convention Against Torture and the International Covenant on Economic, Social and Cultural Rights), the Universal Periodic Review Process at the Human Rights Council, and regional mechanisms.¹¹ State specific opportunities include reviews of legislation and efforts to harmonise laws with the Convention on the Rights of the Child.
- Ad hoc opportunities. Calls for prohibition can be introduced into media coverage of news related to child protection, violence against children, domestic violence and other related issues, as well as at launches of reports and research.
- Created opportunities. Through lobbying and advocacy, those working towards prohibition should create opportunities to influence legal change.

In some countries, prohibition of corporal punishment has been discussed without significant progress for several years, and organisations feel the need to move on to new issues. But the campaign for law reform is not over until the law has been reformed to explicitly prohibit *all* corporal punishment, including in the home. And after that, implementation of the law must be monitored, etc.

Regular discussion on global strategies and the leadership of people experienced in this area will help to keep up momentum. Save the

Children (SC) should co-ordinate with the Global Initiative and other international organisations, e.g. UNICEF and Plan International, to build collaborative networks and avoid duplicating work. Regular meetings between Save the Children and UNICEF should be organised to discuss the issue.

At the national level, NGOs need to develop a single, unified position to present to the government. Save the Children Sweden has played a leading role so far. This would be strengthened by greater involvement of regional representatives. Learning from the experience of reform in other countries can be encouraging to those working in particularly challenging situations.

State authorities must be compelled by NGOs to pass bills because of international and national pressure. Bills pending before parliaments provide opportunities to ensure that explicit prohibition is enacted, in specific situations (care institutions, schools, etc.) or, ideally, in comprehensive legislation relating to children wherever they are.

In conclusion, in all efforts to prohibit corporal punishment it is important to remember that nothing short of explicit prohibition in law will be sufficient. In every action, the key question is: Do these measures help to realise children's right to equal protection from assault in law?

8. A questionnaire on moves already taken towards legal reform was sent in advance of the workshop to each participant by the Global Initiative to End All Corporal Punishment of Children in collaboration with Save the Children. Responses were received from 27 participants covering 35 states (some participants represented more than one state).

9. See Annex 4 for Frequently Asked Questions about prohibition

10. See www.stophitting.com/spankOut/

11. See section chapter 7