

Ending legalised violence against children

GLOBAL REPORT 2010



Inside: tables of
progress in all
regions – page 24

Children in Zanzibar

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

“A legal ban on corporal punishment is not a crusade against parents: it is the definite push that society needs to start resorting to non-violent and more efficient forms of discipline.... The existence of a legal defence for parents who ‘reasonably chastise’ their children effectively halts the evolution towards a society more respectful of children’s rights and parents’ potential to improve their parental skills.”

Maud de Boer-Buquicchio, Deputy Secretary General, Council of Europe



Participants in training on alternatives to corporal punishment in schools, Sudan

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Messages



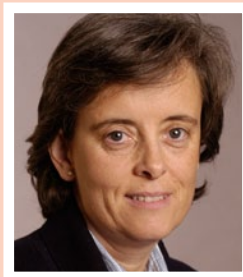
Professor Yanghee Lee

Chairperson, UN Committee on the Rights of the Child

Twenty years have passed since the Convention on the Rights of the Child, the first legal instrument devoted to children and their rights, entered into force. The CRC is recognised by almost all UN member nations as the highest international standard for children. Much has been accomplished during the past twenty years, and yet, much remains to be accomplished.

The prevalence of corporal punishment and other cruel or degrading forms of punishment continues to be a concern for the Committee on the Rights of the Child. Successive reports from the Global Initiative and its briefings for the Committee and other human rights bodies have shown achievements in eradicating cruel and inhuman forms of punishment. Many countries have joined, and continue to join, the campaign for a universal ban on corporal punishment. Sadly, there remain reports on how far we are from achieving basic legal protection from deliberate adult assault, let alone enabling children in reality to enjoy their childhoods free of violence.

Changing long ingrained tradition is a difficult task. When it comes to changing traditions that deliberately harm children and their status as rights-holders, we must not tolerate complacency any longer! This report documents substantial progress and active campaigns in all regions: there is much to build on.



Marta Santos Pais

Special Representative of the UN Secretary General on Violence against Children

Law reform for the effective protection of children from all forms of violence is a strategic priority for my mandate. Law reform is an indispensable component of the process of implementation of the Convention on the Rights of the Child. It is also an essential dimension of any national strategy designed to prevent and address all forms of violence against children. Legislation is the solemn expression of political commitment to work towards violence prevention and response, and to protect children's dignity and physical integrity at all times. Legislation encourages positive discipline and it safeguards the protection of victims, as well as their redress, recovery and reintegration. Law reform is also highly valuable when used in support of public information, social mobilisation and behaviour change, opening avenues for the mobilisation of key actors and institutions, including religious leaders, local authorities and parliamentarians.

Law reform for children's protection from violence is gaining momentum. In a large number of countries, legislation has been adopted to prohibit specific forms of violence; across regions, there is an increasing commitment to adopt an explicit legal ban on all forms of violence, a prohibition that is applicable in all circumstances.

With its periodic reports, the Global Initiative helps to capture this significant process of change, identifying positive developments and helping to promote progress towards a universal ban on all forms of violence against children. With strong political will and wide social support this goal is within reach. I look forward to working with all partners to make it a reality within the very near future.



Professor Paulo Sérgio Pinheiro

The Independent Expert who led the UN Secretary General's Study on Violence against Children and Commissioner and Rapporteur on the Rights of the Child, Inter-American Commission on Human Rights, OAS

There are many good things in this report, but the most exciting is the long list identifying the many immediate opportunities for achieving a complete ban on all corporal punishment in states in all regions. I am particularly pleased that my own country, Brazil, is amongst them.

We have to ensure that these opportunities are used fully and without any compromises. It is not acceptable in 2010 for states to review their children's or child protection laws and leave in place legal provisions which justify violence against children disguised as discipline.

I am working with the Global Initiative to establish a panel of eminent human rights activists, in the hope that we can encourage heads of state and parliaments to move forward quickly to ban punitive violence against children.

The vision of a world in which violent punishment of children is universally condemned and prohibited is now within our grasp. We cannot let more generations of children suffer these obvious and deliberate violations of their rights. We must not keep children waiting.

Hitting and hurting a child is an act of violence – and it is no less violent simply for being lawful. Children, like all people, have a right to live their lives free from violence, and the international human rights consensus on this could hardly be stronger. When the Global Initiative published its first global report in 2006 – the year the final report of the UN Study on Violence against Children highlighted the shockingly widespread legal and social acceptance of corporal punishment and recommended abolition as a matter of urgency – 16 states had achieved prohibition of all corporal punishment of children in all settings. Today, almost twice as many have done so, with 29 states now fully prohibiting corporal punishment, including in the home. The rate of progress reflects the seriousness with which human rights treaty bodies, NGOs and governments now take the issue and an understanding that children are not possessions but human beings and holders of human rights, including the right to respect for their human dignity and to equal protection from assault under the law. But at the end of 2010, there are still 168 states where the law allows parents to hit children in the name of discipline, and more than 40 where children can be whipped or caned as a sentence of the courts.

We hope this report will help us to celebrate the progress that has been made and, more importantly, strengthen our resolve to continue advocating prohibition and elimination of corporal punishment of children until it is achieved in every state.

The human rights imperative to prohibit corporal punishment

Prohibiting and eliminating corporal punishment of children is fundamentally a human rights issue. International human rights law protects the rights of all persons, including children, to respect for their human dignity and physical integrity and to equal protection under the law. International and regional human rights instruments which are ratified by governments impose legal obligations on those governments to ensure the rights that are guaranteed in the instruments, including through law reform and other measures. Compliance is monitored through the reporting process and examination by monitoring bodies associated with each treaty. Most instruments also provide for complaints to be made when governments violate the rights of persons who they should be protecting. This human rights framework establishes that prohibition of corporal punishment of children through law reform is an essential obligation of governments and provides an important means of ensuring that it happens.

The most important human rights instrument for children is the UN Convention on the Rights of the

Child, ratified by all states except the US and Somalia. It obliges governments to “protect the child from all forms of physical or mental violence while in the care of their parent(s), legal guardian(s) or any other person who has the care of the child” (article 19). States must also ensure that school discipline is “consistent with the child's human dignity and in conformity with the present Convention” (article 28.2) and that “no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment” (article 37). In monitoring compliance with the Convention, the Committee on the Rights of the Child has consistently interpreted it as requiring prohibition of all corporal punishment of children in all settings, without exception, and has repeatedly made recommendations to states that law reform should be accompanied by social change through public education and awareness raising campaigns. The Committee's General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment”, adopted in 2006,

consolidated its position on the issue and provides an invaluable tool for promoting and enforcing prohibition.

The monitoring bodies of other international human rights instruments increasingly interpret them as requiring prohibition of all corporal punishment of children. Such recommendations have been made to states in recent years by the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination Against Women, the Human Rights Committee and the Committee Against Torture. In addition, states are monitored on their overall compliance with international human rights law, including on the issue of corporal punishment of children, by the Human Rights Council in the Universal Periodic Review process (see box).

The Universal Periodic Review

The Universal Periodic Review (UPR) is a process undertaken by the Human Rights Council of reviewing the overall human rights records of all UN member states once every four years. It was established by the General Assembly in 2006, when the Council itself was established, and enables each state to describe the actions they have taken to fulfil their international human rights obligations. There is a process for the submission of information by NGOs on states coming up for review (for details and deadlines see www.ohchr.org/EN/HRBodies/UPR/Pages/NewDeadlines.aspx or sign up to the Global Initiative newsletter, email info@endcorporalpunishment.org).

Following review of the national report of the state under consideration and examination of government representatives, members of the Human Rights Council – an inter-governmental body of 47 UN member states – make recommendations to the particular state aimed at improving compliance with its human rights obligations. The state usually responds by accepting or rejecting the recommendations and providing further information as necessary.

Since the first UPR session in April 2008, the Human Rights Council has reviewed the human rights records of 143 states. The obligation to prohibit corporal punishment of children has been raised as an issue in relation to over 70 states. At least 30 of these have explicitly accepted or expressed their support for recommendations to prohibit: Algeria, Andorra, Armenia, Azerbaijan, Belize, Bolivia, Chad, Dominican Republic, El Salvador, Ghana, Honduras, Jamaica, Japan, Jordan, Kuwait, Kyrgyzstan, Lesotho, Mali, Mexico, Mongolia, Nicaragua, San Marino, Saudi Arabia, Senegal, Serbia, Slovenia, Switzerland, Turkey, Vanuatu. These positive responses provide opportunities for NGOs to advocate for law reform to prohibit corporal punishment (see pages 10 to 17). However, a minority of states are outspoken in their defence of corporal punishment of children and explicitly reject the recommendations concerning prohibition. To date 10 states have done so, including Albania, the Bahamas, Barbados, Botswana, Ethiopia, Iran, Malta, Qatar and the UK. In these states, where governments actively oppose law reform, human rights institutions, NGOs and other child rights advocates may need to consider the use of legal action and international and regional human rights complaint/communication mechanisms in pursuing law reform (see pages 16 and 17).

Reflecting the international human rights consensus against corporal punishment of children, regional human rights instruments are also interpreted as requiring prohibition in all settings.

Africa

States which have ratified the African Charter on the Rights and Welfare of the Child must ensure that discipline by parents and at school respects the child's human dignity (articles 11 and 20), that children are protected from all forms of torture and inhuman or degrading treatment by parents and others caring for the child (article 16) and that children in detention are not subjected to torture or inhuman or degrading treatment or punishment (article 17). The African Committee of Experts on the Rights and Welfare of the Child is now addressing the issue of corporal punishment in its examination of state party reports.

States which have ratified the African Charter on Human and Peoples' Rights must ensure that every person has equal protection of the law (article 3), respect for personal integrity (article 4), respect for human dignity (article 5) and protection from torture and cruel, inhuman or degrading punishment and treatment (article 5). A complaint in 2000 to the African Commission on Human and Peoples' Rights concerning judicial corporal punishment of young people in Sudan (*Curtis Francis Doebber v Sudan, 236/2000*) led to recommendations to the Government of Sudan to amend the law to abolish the penalty of lashes.

Europe

The European Committee of Social Rights, monitoring the European Social Charter and Revised Social Charter, repeatedly concludes that states which do not prohibit corporal punishment of children in all settings are in breach of the Charter. The Committee has also confirmed this in a series of decisions on collective complaints brought under an Additional Protocol to the Charters. In relation to the European Convention on Human Rights, the European Court of Human Rights has progressively ruled against corporal punishment of children, and the Council of Europe runs an ongoing campaign to ensure that all 47 member states achieve law reform to prohibit corporal punishment in all settings.

Middle East and North Africa

The obligation to prohibit all corporal punishment of children is confirmed in the Cairo Declaration on the Convention on the Rights of the Child and Islamic Jurisprudence, adopted at a 2009 conference co-sponsored by the Organisation of the Islamic Conference (OIC) in Cairo to mark the 20th anniversary of the Convention. The Declaration includes a recommendation to all OIC member states to prohibit corporal punishment in the family and other settings. The Arab Charter on Human Rights protects all persons from cruel, inhuman or degrading treatment or punishment (article 8), protects the human dignity of children (articles 17 and 33) and prohibits "all forms of violence and abusive treatment in the relations between family members, especially towards women and children" (article 33). In June 2010, the League of Arab States co-sponsored a technical workshop on law reform to prohibit all corporal punishment in the region, attended by government and non-government representatives from member states.

The Americas

In 2008, the Inter-American Commission on Human Rights (IACHR) asked the Inter-American Court of Human Rights to issue an advisory opinion on corporal punishment of children and the American Convention on Human Rights and Duties. The Court responded by stating that an advisory opinion is unnecessary because the existing jurisprudence of the Court and the obligations under other international instruments ratified by states in the region, particularly the Convention on the Rights of the Child, are clear. The Court emphasised that children "have rights and are not just an object of protection", that they have the same rights as all human beings, that the state must protect these rights in the private as well as the public sphere, and that this requires legislative as well as other measures.

In August 2009, the office of the Rapporteur on the Rights of the Child in the IACHR, Professor Paulo Pinheiro, published a thematic report (*Report on Corporal Punishment and Human Rights of Children and Adolescents*) which calls on OAS member states "to act immediately on the problem of corporal punishment by placing explicit and absolute legal bans

Working with the treaty monitoring bodies

Ratification of human rights instruments usually puts an obligation on states to report at regular intervals to the bodies overseeing those treaties on how they are implementing them. Individual treaty bodies then review these reports, question government representatives on them, and make recommendations for further action in order to improve compliance with the relevant treaty. Such examination and recommendations now typically pay attention to the legality and practice of corporal punishment of children. In monitoring the Convention on the Rights of the Child, for example, the Committee on the Rights of the Child routinely urges states to prohibit corporal punishment in all settings, often referring to specific legal provisions that must be repealed, and recommends appropriate public awareness raising and education campaigns to support prohibition.

Ensuring that treaty monitoring bodies are informed of current national situations regarding the legality, practice and tolerance of corporal punishment of children, for example through systematic briefing by the Global Initiative, plays an important part in keeping the issue of corporal punishment on the agenda of the treaty bodies. Briefings from national NGOs greatly add to the evidence on which these bodies can draw in order to make strong recommendations to governments. In turn, these recommendations provide strong advocacy tools for NGOs actively promoting law reform.

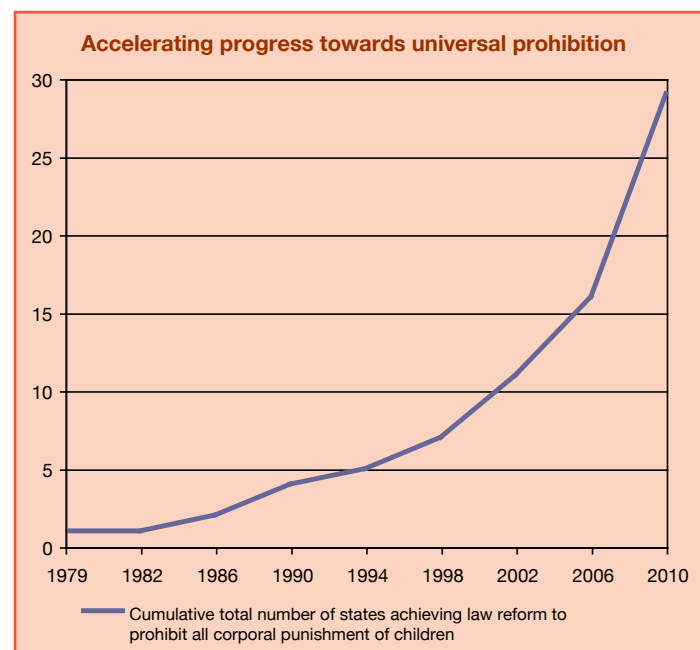
Information on submitting briefings concerning states coming up for examination by treaty monitoring bodies is included in the Global Initiative newsletter and the Global Initiative is always pleased to give technical advice and assistance in the preparation of national briefings (for further information and to subscribe to the newsletter email info@endcorporalpunishment.org). Briefings submitted by the Global Initiative are available at www.endcorporalpunishment.org.

on its use in all contexts and, in parallel, by adopting such preventive, educational, and other measures that may be necessary to ensure the eradication of this form of violence, which poses a serious challenge to the wellbeing of children in the Hemisphere" (para. 3). The report includes an analysis of state responsibility in the use of corporal punishment by private citizens and of corporal punishment in relation to those with parental authority and makes detailed recommendations to member states concerning the actions they should take to achieve full prohibition. It concludes with a "commitment toward cooperating with States in the promotional activities they undertake at the domestic and regional levels in order to eradicate corporal punishment as a way of disciplining children and adolescents" (para. 120).

Progress in 2010

Prohibition of corporal punishment in all settings

In 2010, three states achieved law reform to prohibit all corporal punishment of children, including in the home – Poland, Kenya and Tunisia (see box). This year the Global Initiative also confirmed that earlier law reform in Liechtenstein prohibits corporal punishment in all settings. The number of states with full prohibition in law is now 29, and includes states in Africa, Europe, Latin America, East Asia and the Pacific, and the Middle East. The interim government of Southern Sudan has also enacted laws prohibiting corporal punishment in all settings. Governments in at least 23 states have made an explicit commitment to prohibition in all settings and/or are actively considering prohibiting legislation. This marks significant progress since Sweden first prohibited all corporal punishment in 1979 and especially in the context of the UN Study on Violence against Children and its recommendation that all states prohibit all corporal punishment as a matter of urgency.



Prohibition in schools and other settings outside the home

Progress has also been made in prohibiting corporal punishment outside the home. As at November 2010, corporal punishment is prohibited in schools in 110 states, as a sentence of the courts in 152 states, as a disciplinary measure in penal institutions in 109 states, and in alternative care settings in 38 states. States which have enacted laws prohibiting corporal punishment in schools during the last five years include Afghanistan, Belize, Cook Islands, India, Mongolia, Samoa, Taiwan and Togo. Four states – Costa Rica, Kenya, Tunisia and Uruguay – have done so as part of wider law reform to prohibit in all settings. The relatively low number of states achieving prohibition in all forms of alternative care undoubtedly reflects the wide range of care settings (including residential and day care institutions, informal and formal care arrangements, foster care, etc) and the similarity of the issues faced when prohibiting corporal punishment in the home.



"Respecting what children want to do for us", positive discipline illustration, Japan



Marching to raise awareness of child abuse in Zambia

The achievement of law reform in 2010 – full prohibition in Poland, Tunisia and Kenya

Poland

Article 2 of the Law of 6 May 2010 "On Prevention of Family Violence" amends the Family Code (1964) by inserting a new article 96 prohibiting all corporal punishment in childrearing:

Persons exercising parental care, care or alternative care over a minor are forbidden to use corporal punishment, inflict psychological suffering and use any other forms of humiliation. (Unofficial translation)

The new law was signed by the President on 18 June 2010 and came into force on 1 August.

Tunisia

Prior to law reform, article 319 of the Penal Code provided a legal defence for the use of corporal punishment by parents, punishing non-injurious assault and violence but stating that "correction of a child by persons in authority over him is not punishable". In July 2010, Parliament passed Law No. 2010-40, which explicitly removes this clause and makes it a criminal offence to assault a child even lightly.

The law was published in the Official Gazette, in July 2010, together with a statement from the Constitutional Council confirming that the new law is wholly compatible with the Constitution and that its effect is to make the provisions against light assault in article 319 of the Penal Code equally applicable to "correction" of children.

Kenya

Following a referendum on 4 August 2010, Kenya adopted its new Constitution, which came into force on 27 August 2010 and includes the right of every person – including children – to be protected from corporal punishment by any person in any setting. Article 29 states:

Every person has the right to freedom and security of the person, which includes the right not to be – ... c) subjected to any form of violence from either public or private sources; d) subjected to torture in any manner, whether physical or psychological; e) subjected to corporal punishment; or f) treated or punished in a cruel, inhuman or degrading manner.

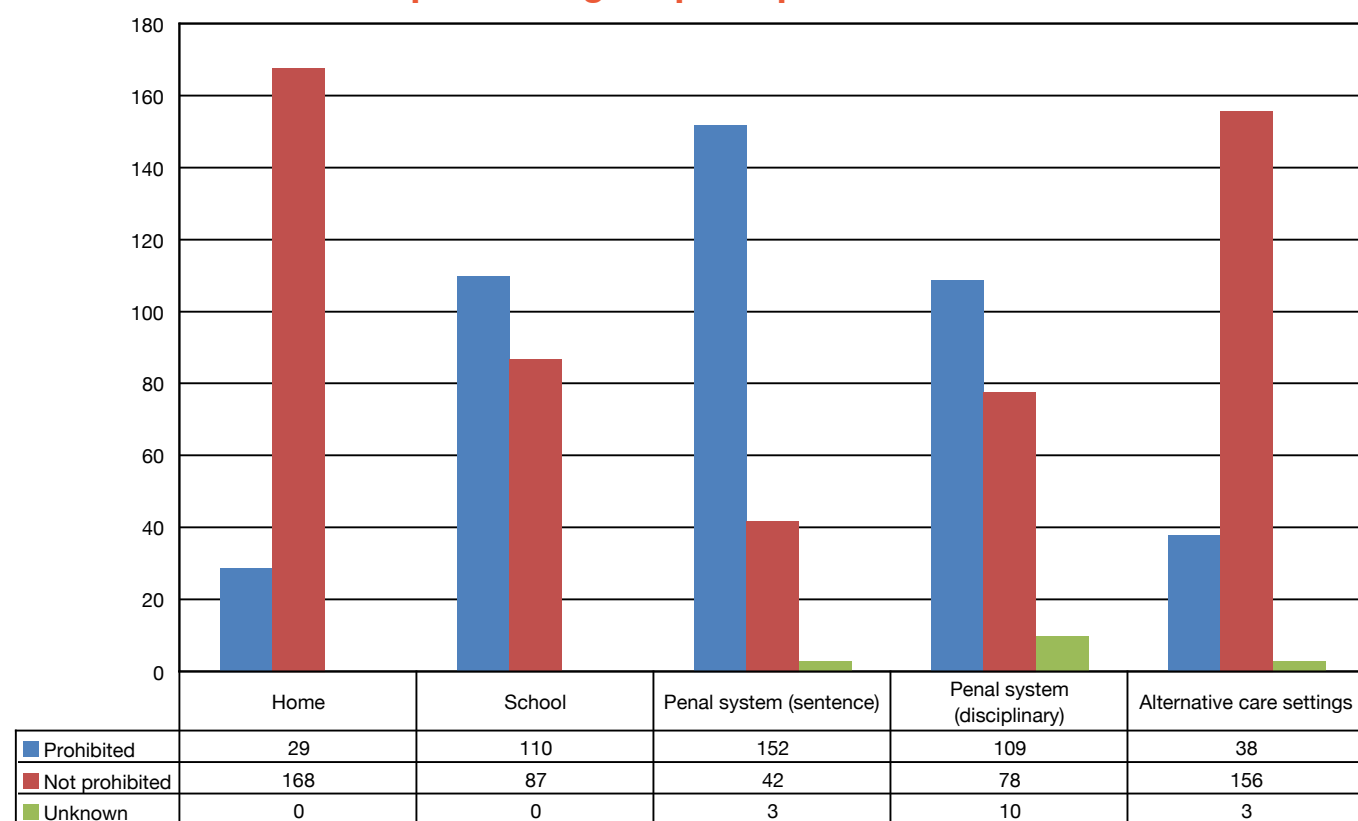
Article 20(1) states:

The Bill of Rights applies to all law and binds all State organs and all persons.

Article 2(4) renders void any law, including customary law, that is inconsistent with the Constitution. Provisions in other Kenyan law which justify or authorise corporal punishment will now need to be reviewed and amended or repealed accordingly. Civil society organisations have united in publicising the Constitutional prohibition of all corporal punishment and calling on the Government to ensure proper implementation of the prohibition and harmonisation of existing legislation with the new Constitution.

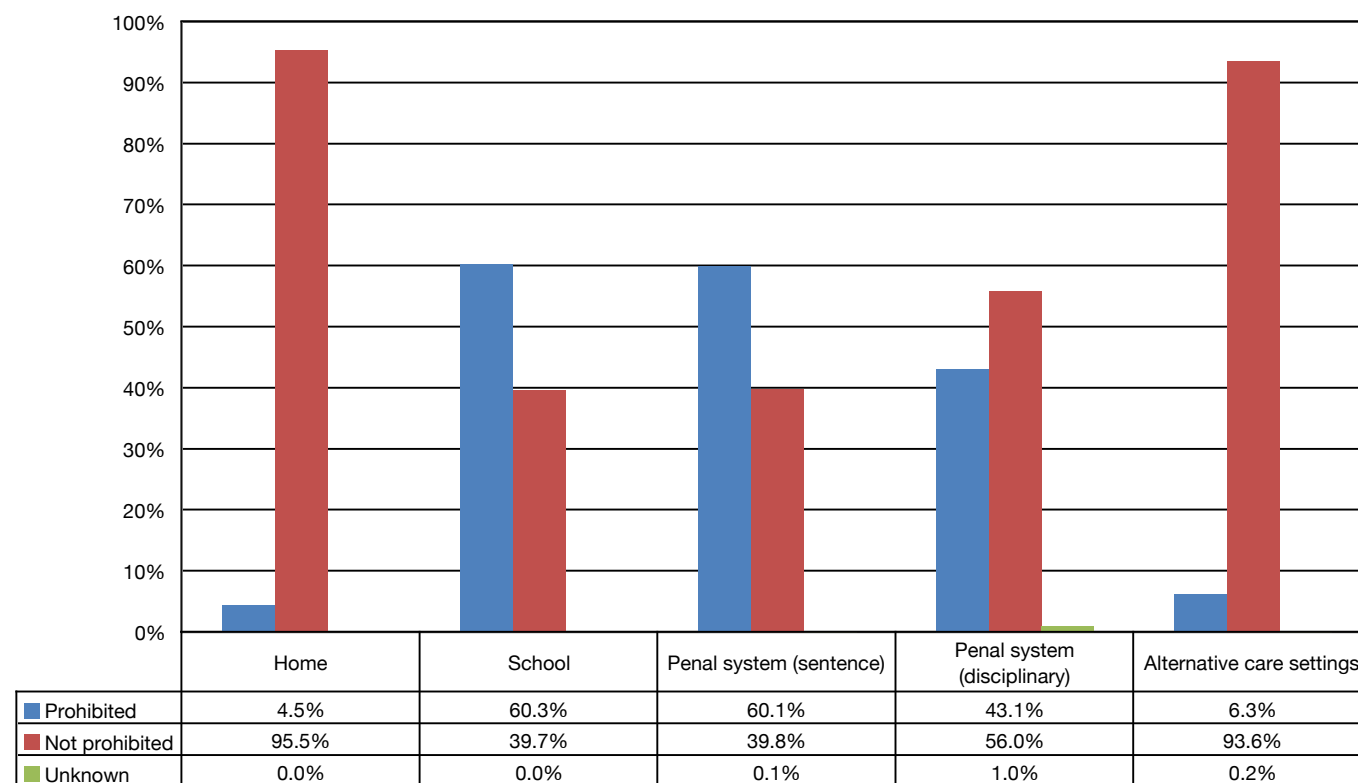
For further details on these and other states which have achieved prohibition in all settings, see www.endcorporalpunishment.org.

Number of states prohibiting corporal punishment of children in law



Note: The total number of states included in the analysis is 197, comprising all those that have ratified the UN Convention on the Rights of the Child except Vatican City, plus Palestine, Somalia, Taiwan, the US and Western Sahara. Information as at November 2010.

Percentage of global child population protected in legislation from corporal punishment



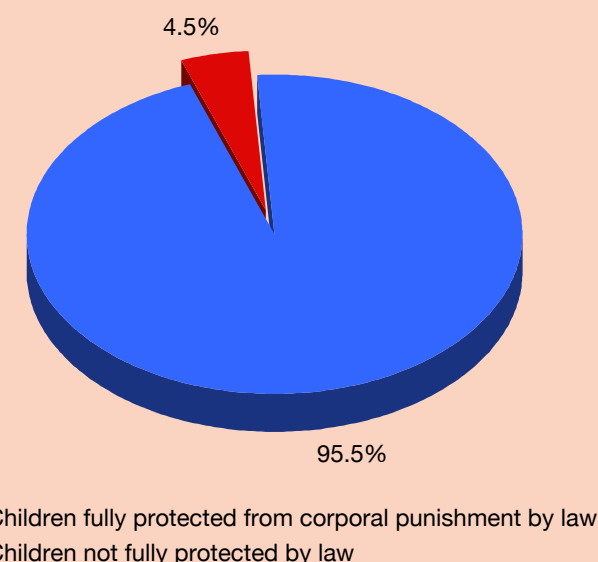
Note: Child population figures (2008) from UNICEF (www.unicef.org, accessed March and November 2010) (except Cyprus, Montenegro, Serbia and Western Sahara from *World Population Prospects: The 2008 Revision*, <http://esa.un.org/unpp>, 2010 figures for 0-19 population, and Taiwan (2005, Children Bureau, Ministry of Interior))

The need to step up action

The progress that has been achieved in many states through legal prohibition of corporal punishment is to be celebrated. But the figures also reveal the lack of progress in many states and the necessity of continuing action to promote this most fundamental right of children, respect for their human dignity.

At the end of 2010, there remain a staggering 168 states, across all regions, where the law allows parents to hit children in their own home – the place where they should feel safest. Still, only 4.5% of all children in the world are supported by legislation protecting them from punitive assaults by their parents. In 156 states, children who for whatever reason find themselves in the care of people other than their parents, in alternative care settings, are similarly left legally unprotected from punitive assaults by those whose duty it is to care for them. Far too many states have not yet prohibited corporal punishment in schools (87 states) or in institutions accommodating children in conflict with the law (78 states).

Percentage of global child population legally protected from all corporal punishment



Perhaps most shocking is that there are still over 40 states where children found by the courts to have committed an offence can lawfully be sentenced to be caned or whipped. The following states have yet to enact legislation to prohibit all judicial corporal punishment of persons under 18, including under customary, traditional, indigenous, religious and informal systems of justice:

Afghanistan, Antigua and Barbuda, Bangladesh, Barbados, Bolivia, Botswana, Brunei Darussalam, Colombia, Dominica, Ecuador, Eritrea, Grenada, Guatemala, Guinea, Guyana, India, Indonesia, Iran, Kiribati, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Nigeria, Pakistan, Palestine, Qatar, St Kitts and Nevis, St Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Singapore, Somalia, Swaziland, Tonga, Tuvalu, United Arab Emirates, United Republic of Tanzania, Vanuatu, Yemen and Zimbabwe.

In the face of such blatant disregard for the human dignity of children, it is clear that child rights advocates must resort to stronger forms of advocacy. There are opportunities in all regions for promoting law reform (see pages 12 to 16), an ever-growing bank of resources to support the promotion of law reform and its implementation, and active campaigns from which to learn in all regions, including CRIN's new global campaign against inhuman sentencing of children (see pages 18 to 21).



Marta Santos Pais speaking at the opening of the Middle East and North Africa law reform workshop, Beirut, 2010

Achieving law reform

Legal reform must be based on a clear understanding of the law as it is now and how it should be amended to prohibit all corporal punishment of children. Prohibition is achieved by reviewing existing law and then reforming it by drafting new legislation and promoting law reform through national strategies which make the most of opportunities for working with government and parliament to influence national laws. It is also valuable to encourage regional bodies to support and promote prohibition among their member states.

Reviewing the law

A comprehensive review of existing legislation relevant to corporal punishment in all settings, including the home, provides the foundation for promoting law reform. In some states governments have issued policies, guidance or circulars stating that corporal punishment should not be used, for example in schools, but these do not amount to prohibition, which requires enforceable legislation passed by parliament. The review should identify:

- all legal defences and justifications for corporal punishment, such as confirmation in legislation or common (case) law of a “right to discipline” children or a right to administer “reasonable

chastisement” (as originally in English common law, and incorporated through colonialism in the law in many states across the world)

- all laws which explicitly authorise or regulate corporal punishment, such as those defining who may administer corporal punishment in schools, or how judicial corporal punishment must be carried out
- laws which are “silent” on the issue but which should include explicit prohibition, such as education laws which do not prohibit corporal punishment.

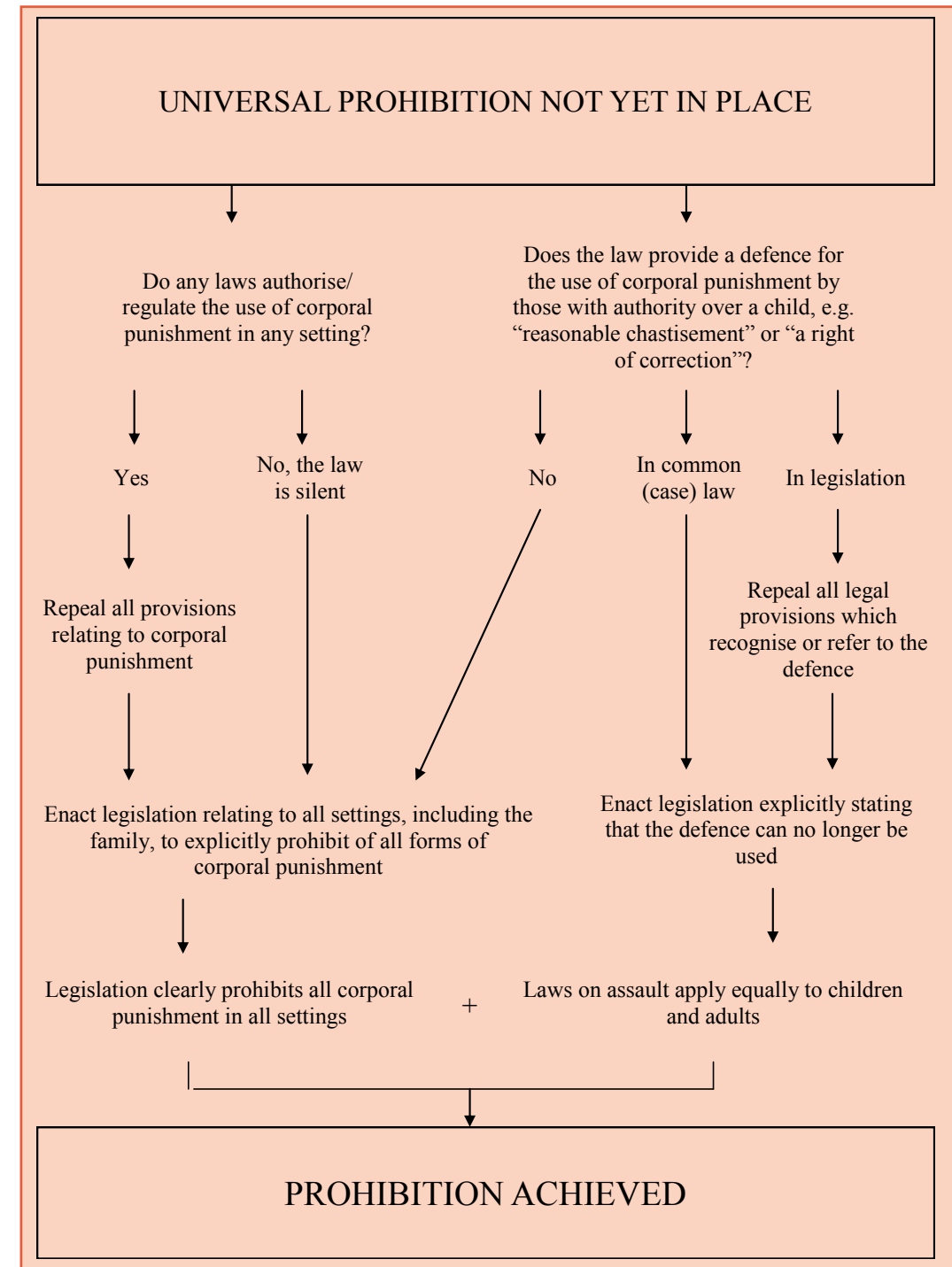
Reforming the law

Once the law has been reviewed, new legislation should be drafted which would repeal (remove) all defences and authorisations of corporal punishment. This will ensure that laws on assault apply equally to assaults against children. But to send a clear message which provides a firm legal framework for public education and awareness raising and promotion of positive, non-violent discipline the law should also explicitly prohibit corporal punishment. No legal loopholes should be left which could be construed as allowing corporal punishment in any setting.

Because corporal punishment has been almost universally accepted in all regions as a disciplinary measure in childrearing, it is still not generally perceived as harmful, abusive or even violent. Some even argue that it is a necessary element of childrearing, “in the child’s best interests”. For this reason, laws which prohibit “violence” or “inhuman or degrading treatment”, or which protect “physical integrity” or “human dignity”, tend to be interpreted as prohibiting only corporal punishment which reaches a certain threshold. But children have a right to protection from all corporal punishment, without exception. The definition of corporal punishment adopted by the Committee on the Rights of the Child provides a useful reference point for ensuring that new legislation really does achieve full prohibition:

The Committee defines “corporal” or “physical” punishment as 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.

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



Making the most of opportunities for promoting prohibition

Key opportunities for promoting law reform arise when governments review legislation, for example to harmonise national laws with the Convention on the Rights of the Child and other treaties, and when new laws relevant to children are being drafted. The following tables highlight some of the law reform processes currently under way in states in all regions. All of these can be used to promote prohibition of corporal punishment – whether for the first time or to confirm already existing prohibition – and to mobilise opposition to proposals for laws which would allow corporal punishment.

Other opportunities to advocate for law reform can be provided by media reporting of severe cases of corporal punishment which generates interest in the

issue, the publication of new relevant research, and new recommendations made to the government by treaty monitoring bodies.

The following tables list opportunities for promoting law reform which exist in all regions. We believe that the information is accurate as at November 2010, but the situation can change quickly: please let us know of any necessary updates or corrections at info@endcorporalpunishment.org. Further information on bills is included in the table of legality on pages 24 to 32, where governments which have made a commitment to prohibition in all or some settings are also identified. For detailed information, see the individual country reports on the Global Initiative website, www.endcorporalpunishment.org.

Opportunities for prohibiting corporal punishment in Africa include ...

Algeria	Draft child law under discussion
Angola	Laws being harmonised with UNCRC; Penal and Civil Codes and legislation on juvenile justice and domestic violence under review/discussion
Botswana	Domestic Violence Bill under discussion and customary laws under review
Burkina Faso	Criminal Code under review and draft decrees for regulating nurseries, orphanages, foster homes and adoption under discussion
Burundi	Draft Code of Judicial Protection of the Child and draft law amending Code of Criminal Procedure under discussion
Cameroon	Draft Child Protection Code, draft Family Code, Bill to amend Criminal Code and Bill on violence against women under discussion
Chad	Draft Family Code, draft Child Protection Code and draft amendments to Criminal Code under discussion
Equatorial Guinea	Draft Children's Code and draft amendments to Civil Code under discussion
Guinea-Bissau	Laws being harmonised with UNCRC and African Charter; draft domestic violence law under discussion
Lesotho	Child Protection and Welfare Bill and Education Bill under discussion
Liberia	Children Bill under discussion
Malawi	Marriage, Divorce and Family Relations Bill proposed and Education Act under revision
Mali	Draft Family Code under discussion
Mozambique	Penal Code under revision and draft domestic violence law under discussion
Namibia	Draft Child Care and Protection Bill under discussion
Niger	Family Code and Children's Code being drafted
Nigeria	Constitution under review and Domestic Violence Bill under discussion; Criminal Law Bill under discussion in Lagos
Rwanda	Draft Child Bill and draft Penal Code under discussion
South Africa	Traditional Courts Bill under discussion
Sudan	Draft Education Bill under consideration in Southern Sudan
Swaziland	Laws being harmonised with UNCRC; Child Protection and Welfare Bill under consideration
Uganda	Draft amendments to Children Act and Domestic Violence Bill under discussion
United Republic of Tanzania	Children's Bill under discussion in Zanzibar
Zambia	Laws relating to children under review; draft Constitution and Education Bill under discussion
Zimbabwe	Constitution under review and Education Bill under discussion

Opportunities for prohibiting corporal punishment in the Caribbean include ...

Antigua and Barbuda	Child Care and Adoption Bill, Juvenile Justice Bill and Domestic Violence Bill, drafted by the Organisation of Eastern Caribbean States (OECS), under consideration
Bahamas	Constitution under review
Belize	Draft Education Rules under discussion
Dominica	Child Care and Adoption Bill, Juvenile Justice Bill and Domestic Violence Bill, drafted by the Organisation of Eastern Caribbean States (OECS), under consideration
Grenada	Child Care and Adoption Bill, Juvenile Justice Bill and Domestic Violence Bill, drafted by the Organisation of Eastern Caribbean States (OECS), under consideration
Guyana	Protection of Children Bill and Education Bill under discussion
Jamaica	Draft Bill to repeal Flogging Regulation Act (1903) and Crime (Prevention of) Act (1942) under discussion
St Kitts and Nevis	Child Care and Adoption Bill, Juvenile Justice Bill and Domestic Violence Bill, drafted by the Organisation of Eastern Caribbean States (OECS), under consideration
St Lucia	Child Care and Adoption Bill, Juvenile Justice Bill and Domestic Violence Bill, drafted by the Organisation of Eastern Caribbean States (OECS), under consideration
St Vincent and the Grenadines	Child Care and Adoption Bill, Juvenile Justice Bill and Domestic Violence Bill, drafted by the Organisation of Eastern Caribbean States (OECS), under consideration



"Talk to them" Childline South Africa poster

Opportunities for prohibiting corporal punishment in Europe and Central Asia include ...

Albania	Draft Law “On Measures for Prevention of Violence in Family Relations” and legislation on child rights under discussion
Bosnia and Herzegovina	Family Law and Law on Protection from Domestic Violence being drafted
Czech Republic	Prohibition under consideration
Estonia	Draft legislation which would prohibit under discussion
France	Bill which would prohibit under discussion
Kyrgyzstan	Draft juvenile justice law and amendments to other child laws under discussion
Lithuania	Bill amending Law on the Fundamentals of Protection of the Rights of the Child under discussion
Montenegro	Law on protection from family violence under discussion
Serbia	Amendments to Family Act under consideration
Slovakia	New Family Code being drafted
Slovenia	Family Code Bill under discussion
Switzerland	Draft Code of Criminal Procedure and draft Federal Act on Juvenile Criminal Procedure under consideration
Tajikistan	Law on children being drafted
Uzbekistan	Bill on children’s rights under discussion

Opportunities for prohibiting corporal punishment in Latin America include ...

Argentina	Bill to amend Civil Code, draft National Education Bill and draft juvenile justice legislation under consideration.
Brazil	Bill to amend Code on Children and Adolescents under discussion
Ecuador	Laws being harmonised with UNCRC; Education Bill and draft laws on indigenous justice under discussion
Guatemala	Integral Protection for Marriage and the Family Bill under discussion
Nicaragua	Draft Family Code under discussion
Paraguay	Bill to amend Code on Children and Adolescents under discussion
Peru	Bill to amend Code on Children and Adolescents under discussion

Opportunities for prohibiting corporal punishment in the Middle East include ...

Bahrain	New child protection legislation under discussion
Iran	Draft Penal Code, Bill for Establishment of Children and Juveniles Courts and Bill for Investigation of Offences of Children and Juveniles under discussion
Jordan	Draft Child Rights Act and draft regulations for licensing nurseries under discussion
Kuwait	Draft Children’s Code and draft Bill to amend Penal Code
Lebanon	Penal Code and Law 422 on Juvenile Justice under review; Child Protection Bill under discussion
Libyan Arab Jamahiriya	Draft Penal Code under discussion
Palestine	Draft Constitution, draft Social Affairs Law, draft amendments to Child Law, draft Penal Code and draft Juvenile Justice Law under discussion
Qatar	Children Bill under discussion and Prisons Act under review
Saudi Arabia	Laws being harmonised with UNCRC; draft legislation on domestic violence and child protection under consideration
Syrian Arab Republic	Draft Child Protection Law and Civil Code under discussion
United Arab Emirates	Draft legislation on child protection and juvenile justice under discussion
Yemen	Draft amendments to Penal Code, Children’s Rights Act and Juvenile Welfare Act under discussion; Constitution and Criminal Code under review

Opportunities for prohibiting corporal punishment in North America include ...

Canada	Bill to amend Criminal Code under discussion; Alberta Education Act under review
US	Bills to prohibit in schools at federal and state levels under discussion

Opportunities for prohibiting corporal punishment in South Asia include ...

Bangladesh	Children Bill under discussion and laws relating to juvenile justice under review
Bhutan	Child Care and Protection Bill under discussion
India	Prevention of Offences Against the Child Bill under discussion
Maldives	Draft Penal Code and Education Bill under discussion; new Children’s Act, juvenile justice laws and children’s home regulations being drafted
Nepal	Child Rights Bill, Education Bill, draft Criminal Code and draft Civil Code under discussion; new Constitution planned
Pakistan	Child Protection Bill and Prohibition of Corporal Punishment Bill under discussion; reform of Frontier Crimes Regulation planned
Sri Lanka	Amendments to Children and Young People’s Ordinance and draft Juvenile Justice Procedure Code under discussion

Opportunities for prohibiting corporal punishment in Southeast Asia and Pacific include ...

Cambodia	Draft Juvenile Justice Law and draft Criminal Code under discussion
Fiji	Domestic Violence Bill under consideration
Indonesia	Draft Criminal Code under discussion
Malaysia	Child Act under review
Mongolia	Draft amendments to Family Code under discussion; Criminal Code and Law on the Protection of the Rights of the Child under review
Papua New Guinea	Family Protection Bill and draft Juvenile Justice Act under discussion; laws being harmonised with CEDAW
Philippines	Anti-Corporal Punishment Bill under discussion
Republic of Korea	Child Welfare Act under review and draft Student Rights Bill under discussion
Singapore	Children and Young Persons Act under review
Timor-Leste, DR	New Children's Code, Penal Code and Civil Code under consideration
Vanuatu	Family Protection Bill under discussion

Taking legal action

Where governments are refusing or actively opposing law reform, international human rights law and national law can be used to “force” them to accept their obligations to realise children’s rights.

The Convention on the Rights of the Child (UNCRC), like other instruments (see pages 3 to 5), is part of international human rights law. In some states, on ratification the UNCRC automatically becomes part of (is incorporated into) national domestic law and takes precedence over domestic law, so can be used in courts to claim the rights guaranteed by it. In other states, incorporation is not automatic but requires an action of parliament. In some, the status of the UNCRC will only be established when a case is taken to court. But in all cases, governments should be reminded that the UNCRC imposes legal obligations under international law, including to enact legislation prohibiting all corporal punishment of children.

Most states have provisions in constitutions or other basic laws that conflict with legislation authorising or justifying corporal punishment, such as laws protecting people’s human dignity and physical integrity, prohibiting cruel or degrading punishment or treatment, or stating everyone’s right to equal protection under the law. These national legal provisions can also be used to challenge corporal punishment in all or some settings. The complaint is against the state, and the final authority in the case

depends on the national legal system.

When there is no progress towards prohibition, or a government is actively resistant, it can be useful to obtain a legal opinion from a lawyer who believes in children’s rights and is fully supportive of the human rights imperative to prohibit all corporal punishment of children. This is an essential first step towards challenging the legality of corporal punishment in the courts. It can provide a basis for considering use of international and/or regional human rights mechanisms (see page 17) and can be useful in supporting campaigns for prohibition.

The Global Initiative publishes on its website detailed reports on individual states in all regions. These include regularly updated information on the legality of corporal punishment in all settings, research on the issue, and relevant extracts from the recommendations of human rights treaty monitoring bodies. Special “legal action” reports are being prepared for some states, to provoke and support legal action where there is no progress towards prohibition. For further information contact info@endcorporalpunishment.org. For details of national high-level court judgments see www.endcorporalpunishment.org.

Using international and regional human rights mechanisms

There are complaints/communications procedures attached to international and regional human rights instruments which may be used to challenge violations of children’s rights – including the persisting legality and use of corporal punishment. There are mechanisms associated with the International Covenant on Civil and Political Rights, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the UN Convention on the Elimination of All Forms of Discrimination against Women and the UN Convention on the Rights of Persons with Disabilities. A complaints procedure is being developed for the Convention on the Rights of the Child. For further information see www2.ohchr.org/english/bodies/petitions/ and www.crin.org/petitions/petition.asp?petID=1007.

Regional instruments with complaints/communications mechanisms include the African

Charter on the Rights and Welfare of the Child, the African Charter on Human and Peoples’ Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the European Social Charter and the American Convention on Human Rights.

These mechanisms can be used provided that the particular state has accepted their use by ratifying the relevant optional protocol or making the appropriate declaration. They usually require that any possible use of national legal systems to challenge the human rights violation has been tried and has failed – the process known as “exhausting domestic remedies”. In most, the complaint/communication must be made by or on behalf of a victim or group of victims of the violation. For further details contact info@endcorporalpunishment.org.



Child campaigning in Afghanistan

Resources to support law reform

Many resources to support the promotion of law reform are freely available at www.endcorporalpunishment.org, including detailed country reports, global and regional tables summarising progress towards prohibition, facts and figures relating to prohibition across the world, information on states which have achieved full prohibition, and links to online resources.

Global Initiative publications freely available online include:

Campaigning for law reform to prohibit corporal punishment (2009), a series of seven summary briefings, in English, Arabic and French:

1. *Understanding the need for prohibition*
2. *Reviewing current law*
3. *Drafting prohibiting legislation*
4. *Building a national strategy*
5. *Working with Government and Parliament*
6. *Using legal action and regional and international human rights mechanisms*
7. *Key resources to support campaigning*

Prohibiting corporal punishment of children: A guide to legal reform and other measures (2009), in English, French and Spanish, and supported by online resources

Prohibiting all corporal punishment of children: Frequently Asked Questions (2009), in adult and child-friendly versions in English, French and Spanish

Active campaigns

In many states in all regions, active campaigns are working towards law reform. Both adults and children can take part in campaigning, and in an increasing number of countries adults, children and young people are working in partnership for children's right to equal protection from violence. Campaigns take a variety of forms and can be co-ordinated by individual organisations or networks of individuals, human rights institutions or local, national and international NGOs. The following pages give examples of just some of the many campaigns which are active worldwide.

Africa

Ghana hosted the Regional Youth Forum on Violence Against Children in Accra in September 2010. It was attended by more than 80 children from countries in West Africa, who shared their experiences, focussing on school violence including corporal punishment, and spoke with government and UN officials. The forum was a part of the VAC Project (vac.plan-childrenmedia.org), co-ordinated

in 5 communities. It has also published materials promoting non-violent teaching and positive discipline. In **Tanzania**, the Caucus for Children's Rights launched the 50% Campaign (www.ccr-tz.org), a three year initiative which aims to make violence against children socially unacceptable, including through prohibition of corporal punishment. Save the Children co-ordinated a consultation with children on the new

Zanzibar Children's Bill. More than three-quarters of the 500 children who took part in the consultation agreed that the bill should explicitly ban corporal punishment in schools. In **Namibia** the Legal Assistance Centre (www.lac.org.na) published a report, *Corporal Punishment: National and International Perspectives*, containing information on research and the legal situation in Namibia, and developed comics and a poster sheet to promote positive discipline. In **Uganda**, Raising Voices (www.raisingvoices.org) launched a national competition in November 2009 calling on the public to share their views on corporal punishment. Over 600 individuals submitted essays, poems, drama skits, digital recordings, songs, drawings and paintings.

Adult and child winners were presented with their prizes at an award ceremony in April 2010 attended by Mr Araali Kusemererwa, Principle Education Officer from the Ministry of Education and Sports, who quoted in his speech the Constitutional provision for children's "right to be educated without humiliating and degrading treatment". Proposals have been made to amend the Children Act to explicitly prohibit corporal punishment in schools. Representatives from **North African** countries participated in a regional workshop on law reform (see Middle East, page 20).



Ms Agnes Aidoo, UN Committee on the Rights of the Child, responding to children's questions

by Plan International and Save the Children in West Africa, and closely linked to the International NGO Advisory Council, which supports effective follow-up to the UN Secretary General's Study on Violence Against Children. The VAC Project aims to help young people in **West African** countries (Benin, Burkina Faso, Cameroon, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Senegal, Sierra Leone and Togo) become more involved in violence prevention. In **Cameroon**, EMIDA (www.emida-cameroon.org) campaigns against corporal punishment in the family and schools. In 2010, in collaboration with local partners, EMIDA provided training for parents, teachers and children

Caribbean

RISE **St. Lucia** Inc (www.risesaintlucia.com) held a peaceful protest against corporal punishment on 21 September 2010, the UN International Day of Peace, using the slogan "A Total Ban on the Striking Hand!" Information was circulated to schools and homes and there was wide media coverage. In **Trinidad and Tobago**, the T&T Coalition Against Domestic

and Gender Based Violence (www.ttcadv.net) is campaigning for an end to all corporal punishment. In **Guyana**, Help and Shelter (www.hands.org.gy), which runs a shelter for women and children who have experienced domestic violence, advocates for an end to all violence against children.

Europe and Central Asia

In **Italy** Save the Children Italy (www.savethechildren.it) is calling for a ban on all physical punishment and collecting signatures on their Manifesto for a Non-Violent Upbringing. Corporal punishment was ruled unlawful by the Supreme Court in 1996, but this is yet to be confirmed in legislation. In **Ireland**, the Irish Society for the Prevention of Cruelty to Children (www.ispcc.ie) called in June for a complete ban on physical punishment following the publication of new research on parents' attitudes to physical punishment. The Ankara Child Rights Platform (www.ankaracocukhaklari.org) in **Turkey** is campaigning for full prohibition, including through a conference and lobbying parliament. In **The former Yugoslav Republic of Macedonia**, the

First Children's Embassy in the World Megjashi (www.childrensembassy.org.mk) submitted two alternative reports to the Committee on the Rights of the Child. One was created by 62 children and young people working with seven NGOs, who carried out research with over 2,000 children on their perceptions of their rights, discrimination and exposure to violence. The other was prepared by the National Alliance for Children's Rights, a coalition of 21 civil society organisations. Both reports highlighted violence, including corporal punishment, in schools and the family as violations of children's rights. The Committee recommended that corporal punishment in the home be prohibited as a matter of urgency.

Latin America

In **Paraguay** the first major study on family violence against children was published by UNICEF Paraguay in September 2010. It involved over 800 children and young people and highlighted the extent of corporal punishment they experienced. Following publication, a new media and awareness-raising campaign was launched – "Sin Violencia Si Educa Mejor" ("A Non-violent Upbringing is Best", www.sinviolencia.com.py). In **Brazil**, "Não Bata, Eduque!" ("Don't Beat, Educate!"), a network of about 200 institutions and individuals (www.naobataeduque.org.br) co-ordinated by the Instituto Promundo, has been actively campaigning for prohibition of corporal punishment

for some years. The network is supporting a bill which would ban all corporal punishment, introduced in July by the then President Lula da Silva, in celebration of the 20th anniversary of the Brazilian Code on Children and Adolescents. The Instituto Promundo (www.promundo.org.br), together with partners Save the Children Sweden and the Bernard Van Leer Foundation, has published a manual, *Ending Corporal and Humiliating Punishment*, available online in English, Spanish and Portuguese. In **Peru** the "Adios Al Castigo" coalition ("Goodbye to Punishment", adiosalcastigo.blogspot.com), is working for law reform and promoting a "pedagogy of tenderness". The coalition includes NGOs such as Save the Children, Terre des Hommes and Plan International and a coalition of children and young people against corporal punishment has been formed.



Children campaigning in Peru

Middle East

A regional **workshop** for the Middle East and North Africa was held in Beirut in July, by Save the Children in partnership with the League of Arab States, the Global Initiative to End All Corporal Punishment of Children and the Higher Council for Childhood in Lebanon. Participants from NGOs and governments in Bahrain, Egypt, Iraq, Jordan, Lebanon, Morocco, Mauritania, the occupied Palestinian territories, Qatar, Syria, Saudi Arabia, Tunisia, United Arab Emirates and Yemen prepared strategies for achieving law reform. A report of the workshop is available at www.endcorporalpunishment.org. In **Iraq** the National Institute for Human Rights is campaigning for an end to all corporal punishment and educating parents and teachers about alternatives. In the

occupied **Palestinian** territories Save the Children UK and the Tamer Institute for Community Education (www.tamerinst.org), completed an action research project begun in 2006. The project used the results of research on the violence experienced by over 1,700 children in 19 West Bank and Gaza schools to change school discipline policies and advocate for an end to violence against children. In **Yemen** Seyaj Association for Childhood Protection (www.seyaj.org) produced a documentary, *Discrimination and Abuse against Children in Schools*. The Association is a member of the National Network to Protect the Rights of the Child, which works to protect children from violence inside and outside the home.

North America

In the **USA**, *The Hitting Stops Here* (www.thehittingstopshere.com) and Parents and Teachers Against Violence in Education (www.nospank.net) campaign for a ban on school corporal punishment, and this year have been supporting the Ending Corporal Punishment in Schools Act, which would prohibit corporal punishment in schools at the federal level. The bill was introduced in June by New York Rep. Carolyn McCarthy and referred to the House Subcommittee on Healthy

Families and Communities in October. The Center for Effective Discipline (www.stophitting.com) coordinates EPOCH-USA, which focuses on ending corporal punishment, including in the home, through legal reform and education. In **Canada**, the Repeal 43 Committee (www.repeal43.org), a national group of professionals including lawyers, doctors and social workers, is advocating for repeal of section 43 of the Criminal Code, which provides a legal defence for parents who assault their children.

South Asia

In 2010, the **South Asian Initiative to End Violence Against Children (SAIEVAC)** was formed to create a new institutional framework for ending violence against children throughout the region (www.saievac.info). Members include the eight South Asian governments, UNICEF and other UN agencies, and NGOs such as Plan International, Save the Children, Terre des Hommes and ECPAT International. A meeting in June was attended by ministers and children from all countries. In November, a workshop on law reform in Kathmandu included two days specifically focussed on corporal punishment and was attended by government and civil society representatives from all countries. Representatives from each of the eight countries developed a national action plan to prohibit all corporal punishment, to fulfil their governments' commitments to do so. Save the Children produced a new report, *Stepping Up Child Protection*, which provides a comprehensive analysis of violence against children, relevant legislation and

child protection systems in South Asia. In **Pakistan**, the Society for the Protection of the Rights of the Child (www.sparcpk.org) has been campaigning for an end to all corporal punishment for some years and has recently renewed calls for an end to school corporal punishment. In July 2010, **Bangladesh** Legal Aid and Services Trust (www.blast.org.bd) and Ain o Salish Kendra (www.askbd.org) filed a writ petition with the High Court in Dhaka challenging the failure of the government to take action on school corporal punishment. Responding to a directive from the Court, the government issued a circular which orders schools to stop using corporal punishment, stating that it is prohibited, that it constitutes misconduct and that measures will be taken against perpetrators. This is yet to be confirmed by prohibition in law.

Southeast Asia and Pacific

A new campaign for prohibition of corporal punishment in all settings was launched in **Japan**. The Initiative for Ending Violence against Children Japan (www.kodomosukoyaka.net or email contact@kodomosukoyaka.net) held its first meeting in December 2009. In the **Republic of Korea**, 33 education-related groups are supporting a draft Students Rights Bill which would prohibit all school corporal punishment. **International Youth Rights**, a youth-led organisation formed in 2009, held a conference in June in Suzhou, China, which was attended by young people from China, South Korea and Singapore. The theme was *Corporal Punishment at Home and in School*, and a report and recommendations (available at www.endcorporalpunishment.org/children) were developed. Recommendations included that states must "recognise [the] human rights of children as equal, to protect their physical integrity and human dignity".

New on the Global Initiative website (www.endcorporalpunishment.org)

- New research on the prevalence of and attitudes to corporal punishment in all regions
- New newsletter focussing on Africa, available in English and French – to subscribe email vohito@africanchildforum.org
- New section on research in countries which have prohibited all corporal punishment
- Revised and updated section on campaigns worldwide
- Updated website on children's participation in campaigning, aimed at children and those who work with them (www.endcorporalpunishment.org/children).



Participants at International Youth Rights 2010 conference, China

CRIN's campaign to end inhuman sentencing of children

On 14 October, the Child Rights Information Network (www.crin.org) launched its new global campaign against the sentencing of child offenders to the death penalty, life imprisonment and corporal punishment. CRIN is developing detailed country reports on states which still authorise such inhuman sentencing, including the 42 states in which laws sanction judicial caning, whipping, flogging and amputation (see page 9). The aim is to ensure that states comply with the very clear international human rights consensus against such punishments, including through law reform.

In building a strong context for progress on the issue, CRIN has made a commitment to providing:

- a section of the CRIN website dedicated to the campaign and continually updated
- comprehensive information on relevant international and regional human rights standards
- engagement with international human rights bodies and activists in the campaign
- information on using legal action and human rights mechanisms when governments continue to resist reform
- an advocacy toolkit for developing and implementing national campaigns for prohibition and elimination of inhuman sentencing
- access to experienced child rights advocates for detailed advice and support
- details of successful campaigns and key court judgments and decisions
- advice and support on using treaty reporting procedures and the Universal Periodic Review to increase pressure on governments.

For further information see www.crin.org/violence/campaigns/sentencing.

Working with religious communities

The significance of religious communities

It is widely acknowledged that religion has a powerful influence on culture and traditions and on people's everyday lives, including on how children are nurtured. Five billion people are said to profess a religious faith and many of their leaders carry immense influence throughout their extensive local, national and global networks. Their ability to connect with all sections of the community puts religious leaders in a unique position to address corporal punishment of children. They have the capacity to challenge attitudes and traditions which condone corporal punishment and the moral authority to mobilise communities to take action to end it.

There has been much faith-based action to support legal reform in recent years. In statements of support, religious leaders have emphasised their religion does not condone corporal punishment of children. Universal values of compassion, equity and justice, together with a shared consensus across different religious traditions on the inherent human dignity of the child, have enabled people from different religious communities to work together to promote children's right to equal protection under the law.

Yet there are many who continue to use their faith



Children Advisory Board elections, Zanzibar

and sacred texts to justify, condone and advocate corporal punishment of children in families, schools, religious institutions and justice systems. This poses a serious challenge for child rights activists and much is still to be done to build broader religious support and action towards legal reform.

Working with religious communities

Religious leaders can be agents for change and influential advocates for children. Many provide direct services to children through child and family organisations and have contact with people at different life stages. Many also have long-standing links with education and youth networks and are involved in charitable work and service provision. Through their diverse roles – as pastors and spiritual guides, leaders of faith-based organisations, teachers and theologians, preachers and leaders of worship, community leaders and activists – religious leaders can use their moral standing to raise awareness and challenge community attitudes and harmful traditions which condone corporal punishment.

Religious leaders have a responsibility for the welfare and protection of children in their communities. They have the authority to influence policy and practice within their religious organisations and institutions and

to promote the study and interpretation of religious texts to highlight respect for children and non-violence. They can guide their communities by modelling respect for children and ensuring that children within their communities have a voice and are protected from physical punishment and other humiliating treatment.

Human rights institutions, NGOs and other child rights advocates can encourage religious leaders to place the prohibition of corporal punishment at the forefront of concern and initiate actions to eliminate it. This requires a multi-faceted approach and NGOs and others should engage with faith-based supporters at an early stage of the planning process.

Shared values of compassion, justice, equity and non-violence transcend theological and cultural differences and can form a common purpose for working with religious communities towards eliminating corporal punishment of children.

Ending corporal punishment of children – A handbook for working with religious communities

This soon to be published handbook recognises the key role religious leaders and their communities can play in taking action towards ending legalised violence against children. It provides information, tools, practical examples, action points and key resources for NGOs and others wishing to work with religious communities towards achieving legal reform. It can also be used by faith-based groups as a resource for inter-religious cooperation.

The handbook includes the following sections:

The global problem of corporal punishment and the importance of legal reform, with examples of positive action taken by religious leaders

Religious perspectives, including teachings of the major world religions on children and corporal punishment and discussion of reasons for faith-based opposition to law reform

Working with religious communities to achieve reform, discussing the importance of forming partnerships and engaging with religious groups at every level, outlining the opportunities for religious leaders to take action through their existing roles and functions, exploring ways of developing multi-religious support and highlighting the importance of children's participation

Responding to faith-based opposition, including suggestions for action and answers to frequently asked questions.

The handbook will be published by the Global Initiative to End All Corporal Punishment and the Churches' Network for Non-violence early in 2011. For further information email info@churchesfornon-violence.org.

“Even as we have not fully lived up to our responsibilities in this regard, we believe that religious communities must be part of the solution towards eradicating violence against children. We commit ourselves to take leadership in our religious communities and in broader society.... We call upon our governments to adopt legislation to prohibit all forms of violence against children, including corporal punishment, and to ensure the full rights of children consistent with the Convention on the Rights of the Child.”

A Multi-Religious Commitment to Confront Violence against Children (The Kyoto Declaration), Kyoto, Japan, 28 August 2006

New resources to support working with faith groups

Corporal Punishment: National and International perspectives, Gender Research and Advocacy Project, Legal Assistance Centre, Windhoek, Namibia 2010

This new report has a substantial section on religion and corporal punishment, including multi-religious resources and a commentary on biblical passages often used to justify corporal punishment. Available at www.lac.org.na.

From Commitment to Action – What religious communities can do to eliminate violence against children, Religions for Peace & UNICEF, 2010

This publication is intended to guide discussion, planning and action around child protection issues within religious communities and in larger social settings and includes specific references to ending corporal punishment. Available at <http://religionsforpeace.org/resources/toolkits/what-religious-communities.html>.

Other multi-religious resources are available at www.churchesfornon-violence.org.

Legality of corporal punishment:

state by state analysis (November 2010)

Please note: The following information has been compiled from many sources, including reports to and by the United Nations human rights treaty bodies. **Information in square brackets is unconfirmed.** We are very grateful to government officials, UNICEF and other UN agencies, NGOs and human rights institutions, and many individuals who have helped to provide and check information.

Please let us know if you believe any of the information to be incorrect: info@endcorporalpunishment.org.

States with full prohibition in legislation

The following 29 states have prohibited corporal punishment in all settings, including the home: **Austria** (1989); **Bulgaria** (2000); **Costa Rica** (2008); **Croatia** (1998); **Cyprus** (1994); **Denmark** (1997); **Finland** (1983); **Germany** (2000); **Greece** (2006); **Hungary** (2004); **Iceland** (2003); **Israel** (2000); **Kenya** (2010); **Latvia** (1998); **Liechtenstein** (2008); **Luxembourg** (2008); **Netherlands** (2007); **New Zealand** (2007); **Norway** (1987); **Poland** (2010); **Portugal** (2007); **Republic of Moldova** (2008); **Romania** (2004); **Spain** (2007); **Sweden** (1979); **Tunisia** (2010); **Ukraine** (2003); **Uruguay** (2007); **Venezuela** (2007)

Prohibition under autonomous government within state

All corporal punishment is prohibited by law in **Southern Sudan** (2008)

Prohibition by Supreme Court ruling

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

States committed to full prohibition

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

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Afghanistan ¹	✗	✓	✗ ²	✗	✗
Bangladesh ³	✗	✗ ⁴	✗	✗	✗
Bhutan ⁵	✗ ⁶	✗ ⁷	✓	✗ ⁸	✗ ⁹

- 1 Commitment to prohibition in all settings, including the home, made at July 2006 meeting of the South Asia Forum, following 2005 regional consultation of the UN Secretary General's Study on Violence against Children
- 2 Lawful under *Shari'a* law
- 3 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
- 4 Following a High Court directive in August 2010, government circular states that corporal punishment should not be used but no explicit prohibition in law
- 5 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
- 6 Child Care and Protection Bill would prohibit some but possibly not all corporal punishment
- 7 Code of Conduct and ministerial directive state that corporal punishment should not be used but no prohibition in law; see previous note
- 8 See note 6
- 9 See note 6

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Brazil ¹⁰	✗ ¹¹	✗ ¹²	✓	✗ ¹³	✗ ¹⁴
Czech Republic ¹⁵	✗	✗	✓	✓ ¹⁶	✗
Estonia ¹⁷	✗	✓ ¹⁸	✓	✓ ¹⁹	✗
Ireland ²⁰	✗	✓	✓	✓	SOME ²¹
Lithuania ²²	✗	✓ ²³	✓	✓ ²⁴	✗
Maldives ²⁵	✗ ²⁶	✗ ²⁷	✗ ²⁸	✗ ²⁹	✗ ³⁰
Pakistan ³¹	✗ ³²	✗ ³³	SOME ³⁴	SOME ³⁵	✗ ³⁶
Peru ³⁷	✗	✗ ³⁸	✓	✗	✗
Serbia ³⁹	✗	✓	✓	✓	✗
Slovakia ⁴⁰	✗	✓ ⁴¹	✓	✓ ⁴²	[✓]
Slovenia ⁴³	✗ ⁴⁴	✓	✓	✓ ⁴⁵	SOME ⁴⁶
Sri Lanka ⁴⁷	✗	✗ ⁴⁸	✓	SOME ⁴⁹	✗
Taiwan ⁵⁰	✗	✓	✓	✓	✗ ⁵¹

- 10 In July 2010, former President Luiz Inacio Lula da Silva, before leaving office, submitted a bill to Congress which would prohibit in all settings
- 11 Bill which would prohibit under discussion (2010)
- 12 See previous note
- 13 See note 11
- 14 See note 11
- 15 Government committed to prohibition; prohibition was due to be considered by the Council for Human Rights in 2008
- 16 But no explicit prohibition
- 17 Government committed to prohibition and draft legislation which would prohibit in all settings was due to be submitted to government in April 2010
- 18 But no explicit prohibition
- 19 But no explicit prohibition
- 20 Government has stated long-term commitment to prohibition but given no indication of timing
- 21 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; guidance advises against its use in foster care and residential care services but no prohibition in legislation
- 22 Government stated intention to prohibit to Committee on the Rights of the Child in 2006; bill which would prohibit by amending Law on the Fundamentals of Protection of the Rights of the Child submitted to parliament in June 2010
- 23 But no explicit prohibition
- 24 But no explicit prohibition
- 25 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
- 26 Draft Penal Code introduces justification of the use of force by parents, teachers and others for purposes of prevention and punishment of misconduct
- 27 Ministry of Education advises against the use of corporal punishment but no explicit prohibition in legislation and draft Penal Code would introduce a justification for the use of corporal punishment by teachers
- 28 Draft Penal Code authorises judicial corporal punishment
- 29 See note 26
- 30 See note 26
- 31 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
- 32 Child Protection Bill would possibly prohibit (2010)
- 33 Prohibition of Corporal Punishment Bill would prohibit
- 34 2000 Juvenile Justice System Ordinance prohibits corporal punishment of children in custody but application to children not given a custodial sentence unclear and the law not applicable in all areas
- 35 Prohibited in 2000 Juvenile Justice System Ordinance but this not applicable in all areas and other laws not amended/repealed
- 36 Prohibition of Corporal Punishment Bill would prohibit
- 37 Congress has pledged all party support for prohibition (2007), and bill which would prohibit by amending Code on Children and Adolescents under discussion (2009)
- 38 Decree states that corporal punishment should not be used but no explicit prohibition in legislation
- 39 Government stated commitment to prohibition in 2007
- 40 Government stated commitment to full prohibition in 2005, expected to be included in new Family Code
- 41 But no explicit prohibition
- 42 But no explicit prohibition
- 43 Government stated intention to prohibit in 2004 during drafting of domestic violence law
- 44 Family Code Bill would prohibit (2009)
- 45 But no explicit prohibition
- 46 Prohibited in day care centres and residential schools
- 47 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
- 48 Ministerial circular states that corporal punishment should not be used but no prohibition in law
- 49 Prohibited in prisons, but lawful in other penal institutions
- 50 Government stated commitment to prohibition in August 2005
- 51 But law prohibiting in schools possibly applies to day care centres and cram schools

Legal reform in progress but no explicit commitment to full prohibition

In the following states, bills are under discussion in parliament which would achieve full prohibition in law but the government has not publicly committed to full prohibition.

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Canada	✗ ⁵²	✓ ⁵³	✓	✓	SOME ⁵⁴
Mongolia	✗ ⁵⁵	✓	✓	✗	✗ ⁵⁶
Nicaragua	✗ ⁵⁷	✓	✓	✓	✗
Philippines	✗ ⁵⁸	✓	✓	✓	SOME ⁵⁹
South Africa	✗ ⁶⁰	✓	✓	✓	✓

Prohibition incomplete and no commitment to reform

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

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Albania	✗	✓	✓	✓ ⁶¹	✗
Algeria	✗	✓	✓	[✗]	✗
Andorra	✗	✓ ⁶²	✓	✓ ⁶³	✗
Angola	✗	✗	[✓] ⁶⁴	✗	✗
Antigua & Barbuda	✗	✗	✗	✗	✗
Argentina	✗	✗	✓	✗ ⁶⁵	✗
Armenia	✗	✓	✓	✓ ⁶⁶	✗
Australia	✗ ⁶⁷	SOME ⁶⁸	✓	SOME ⁶⁹	SOME ⁷⁰
Azerbaijan	✗	✓	✓	✓	✗
Bahamas	✗	✗	✓	[✓]	✗
Bahrain	✗	✓	✓	??	✗

52 Bill S-204 which would repeal section 43 of the Criminal Code allowing the use of force "by way of correction" was introduced to parliament in March 2010 and had its second reading in June 2010; 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

53 2004 Supreme Court ruling limited use of force by teachers to restraint and removal and excluded corporal punishment; as at March 2010, this not confirmed in legislation relating to private schools, or to any schools in Alberta and Manitoba; Alberta Minister for Education has stated prohibition will be considered when Education Act is reviewed

54 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

55 Draft amendments to Family Code would prohibit (2010)

56 Draft amendments to Family Code would prohibit in care institutions (2010)

57 Proposals to include prohibition in draft Family Code under discussion (2009)

58 Anti-Corporal Punishment Bill which would prohibit under discussion (2010)

59 Prohibited in residential institutions and day care centres, lawful in other care settings; see previous note

60 Efforts to prohibit corporal punishment by parents through the legislature failed in 2007; a national advocacy campaign continues to promote law reform

61 But no explicit prohibition

62 But no explicit prohibition

63 But no explicit prohibition

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

65 2009 standards state that corporal punishment should not be used, but no explicit prohibition in law

66 But no explicit prohibition

67 In 2003, Law Reform Institute in Tasmania recommended abolition of reasonable correction defence from criminal and civil law but as at November 2010, 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

68 Prohibited in Australian Capital Territory, New South Wales, Tasmania and Victoria; South Australian government proposed prohibition in bill due to be introduced to parliament in 2009 but as at April 2010 law reform had not been achieved

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

70 Prohibited in all states and territories in child care centres except Northern Territory, Tasmania and Australian Capital Territory, and in residential centres and foster care except Northern Territory, Tasmania, Victoria, Western Australia and Australian Capital Territory

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Barbados	✗	✗	✗	✗	[SOME] ⁷¹
Belarus	✗	✓ ⁷²	✓	✓ ⁷³	SOME ⁷⁴
Belgium	✗	✓ ⁷⁵	✓	✓	SOME ⁷⁶
Belize	✗	✓ ⁷⁷	✓	SOME ⁷⁸	SOME ⁷⁹
Benin	✗	✗ ⁸⁰	✓	[✓]	✗
Bolivia	✗ ⁸¹	✗ ⁸²	SOME ⁸³	✗ ⁸⁴	✗ ⁸⁵
Bosnia & Herzegovina	✗	✓	✓	✓	✗
Botswana	✗	✗	✗	✗	✗
Brunei Darussalam	✗	✗	✗	✗	✗
Burkina Faso	✗	✓	✓	✓ ⁸⁶	SOME ⁸⁷
Burundi	✗	✗	✓	✗	✗
Cambodia	✗	✓	✓	✓	✗ ⁸⁸
Cameroon	✗ ⁸⁹	✓	✓	[✓]	✗
Cape Verde	✗	✗ ⁹⁰	✓	✗	[✓]
Central African Republic	✗	✗	✓	✗	✗
Chad	✗	✓	✓	✗	✗
Chile	✗	✗ ⁹¹	✓	✓	✗
China	✗ ⁹²	✓	✓	✓	✗
Colombia	✗	✗ ⁹³	SOME ⁹⁴	✗ ⁹⁵	✗
Comoros	✗	✗	[✓] ⁹⁶	✗	✗
Congo, Republic of	✗	[✓]	✓	✗	✗
Cook Islands	✗	✓	✓	✗	✗
Côte d'Ivoire	✗	✗ ⁹⁷	✓	✓ ⁹⁸	✗

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

72 But no explicit prohibition

73 But no explicit prohibition

74 Considered unlawful in boarding institutions, but there is no explicit prohibition; not prohibited in foster care

75 But no explicit prohibition

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

77 But repeal of legal defences unconfirmed and prohibition is yet to be implemented; draft Education Rules under discussion (2010)

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

79 Prohibited in residential care facilities and in day care centres

80 Government circular advises against the use of corporal punishment in formal education, but no prohibition in law

81 Legislation prohibits only corporal punishment which is considered harmful

82 See previous note

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

84 See note 81

85 See note 81

86 But possibly no explicit prohibition

87 Prohibited in institutions, lawful in foster care

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

89 Draft Family Code would confirm right to discipline (2010)

90 Ministry of Education guidelines advise against the use of corporal punishment, but no prohibition in law

91 Legislation prohibits only corporal punishment resulting in injury

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

93 Legislation prohibits only corporal punishment resulting in injury

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

95 See note 93

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

97 Ministerial circular states that corporal punishment should not be used, but no prohibition in law; prohibition expected to be enacted in 2010

98 But no explicit prohibition

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Cuba	X	X	✓	X	X
Dem. People's Rep. of Korea	X	X ⁹⁹	[✓]	[✓]	X
Democratic Republic of Congo	X	✓	✓	X	X
Djibouti	X	[✓]	[✓]	X	X
Dominica	X	X	X	X	SOME ¹⁰⁰
Dominican Republic	X	✓	✓	✓	SOME ¹⁰¹
Ecuador	X	✓	SOME ¹⁰²	✓	SOME ¹⁰³
Egypt	X	✓	✓	✓ ¹⁰⁴	X
El Salvador	X	✓	✓	✓	X
Equatorial Guinea	X	X	??	??	X
Eritrea	X	X ¹⁰⁵	X ¹⁰⁶	??	X
Ethiopia	X	✓	✓	✓	SOME ¹⁰⁷
Fiji	X ¹⁰⁸	✓ ¹⁰⁹	✓	✓	X
France	X ¹¹⁰	X ¹¹¹	✓	✓ ¹¹²	X ¹¹³
Gabon	X	✓	??	??	X
Gambia	X	X	✓	X	X
Georgia	X	✓ ¹¹⁴	✓	✓ ¹¹⁵	[SOME] ¹¹⁶
Ghana	X	X ¹¹⁷	✓	SOME ¹¹⁸	X
Grenada	X	X	X	X	SOME ¹¹⁹
Guatemala	X	X	SOME ¹²⁰	✓	X
Guinea	X	✓	[X]	??	X
Guinea-Bissau	X	✓	✓	[✓]	??
Guyana	X	X	X ¹²¹	X ¹²²	X
Haiti	X	✓	✓	✓	✓
Honduras	X	✓	✓	X	X

99 Policy states that corporal punishment should not be used, but no prohibition in law
 100 Prohibited in early childhood education facilities
 101 Prohibited in institutions
 102 Prohibited in state law but permitted under traditional law in indigenous communities; draft laws on indigenous justice under discussion (2009)
 103 Prohibited in institutions but lawful in other childcare settings
 104 But possibly permitted in social welfare institutions
 105 Policy states that corporal punishment should not be used, but no prohibition in law
 106 Lawful under Transitional Penal Code but prohibited in Draft Penal Code
 107 Prohibited in institutions by Constitution, but "reasonable chastisement" defence available
 108 In 2006, prime minister and other high level offices called for prohibition, but as at November 2010 prohibition not enacted
 109 But some legislation still to be repealed
 110 Private members bill which would prohibit in all settings (Bill 2244) submitted to National Assembly in January 2010
 111 1889 High Court ruling allowed "right to correction" for teachers; 2000 ruling stated that habitual and non-educational corporal punishment not covered by this; see also previous note
 112 But no explicit prohibition; see also note 110
 113 See note 110
 114 But no explicit prohibition
 115 But no explicit prohibition
 116 Prohibited in institutions (information unconfirmed)
 117 Ministerial directive possibly advises against using corporal punishment, but no prohibition in law
 118 Prohibited in prisons; no explicit prohibition in borstal institutions and industrial institutions
 119 Prohibited in child care homes by licensing requirements
 120 Unlawful in state laws but permitted in traditional justice systems
 121 Prohibited for under 17s but lawful for 17 year olds
 122 See previous note

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
India ¹²³	X ¹²⁴	✓ ¹²⁵	SOME ¹²⁶	SOME ¹²⁷	SOME ¹²⁸
Indonesia	X	X	SOME ¹²⁹	X	X
Iran, Islamic Republic of	X	✓	X	[✓]	X
Iraq	X	X	✓	SOME ¹³⁰	X
Jamaica	X	SOME ¹³¹	✓ ¹³²	✓	✓
Japan	X ¹³³	✓ ¹³⁴	✓	X	X
Jordan	X	✓	✓	✓	[X]
Kazakhstan	X	SOME ¹³⁵	✓	✓	SOME ¹³⁶
Kiribati	X	✓ ¹³⁷	X ¹³⁸	X	X
Kuwait	X	[✓]	✓	X	??
Kyrgyzstan	X	✓	✓	✓	SOME ¹³⁹
Lao People's Democratic Rep.	X	[✓]	✓	✓ ¹⁴⁰	X
Lebanon	X	X ¹⁴¹	✓	[✓]	X
Lesotho	X	X ¹⁴²	X ¹⁴³	X	X
Liberia	X ¹⁴⁴	X	✓	X ¹⁴⁵	X
Libyan Arab Jamahiriya	X	✓	X	??	??
Madagascar	X	X	✓	X	X
Malawi	X	✓	✓	✓	SOME ¹⁴⁶
Malaysia	X	X	X ¹⁴⁷	X ¹⁴⁸	X
Mali	X ¹⁴⁹	✓	✓	✓ ¹⁵⁰	X
Malta	X	✓ ¹⁵¹	✓	[✓]	X
Marshall Islands	X	✓	✓	✓	X

123 Government committed to prohibition outside the home
 124 Prevention of Offences Against the Child Bill would prohibit only corporal punishment of a certain degree of severity (2010)
 125 But prohibition not extended to the state of Jammu and Kashmir; see previous note
 126 Prohibited in state laws, but used in traditional justice systems; see note 124
 127 See note 124
 128 Prohibited in care institutions except in Jammu and Kashmir; lawful in non-institutional forms of care; see note 124
 129 Prohibited in Criminal Code but permitted under *Shari'a* law in Aceh province and other areas
 130 Prohibited in prisons and detention centres, possibly lawful in other institutions accommodating children in conflict with the law
 131 Prohibited in schools for children up to the age of 6 years; prohibition in all schools under discussion (2010)
 132 But as at July 2009 some legislation still to be repealed
 133 But prohibited in Kawasaki City by local ordinance
 134 Prohibited in 1947 School Education Law but 1981 Tokyo High Court judgment stated that some physical punishment may be lawful in some circumstances
 135 Prohibited in regular schools but not in military schools
 136 Prohibited in children's villages, youth homes and other institutions, but no prohibition in foster care or kinship care
 137 Statutory provisions allowing for corporal punishment repealed but no explicit prohibition in legislation
 138 Government committed to prohibition (2006)
 139 Prohibited in residential institutions
 140 But no explicit prohibition
 141 Government committed to law reform (2006)
 142 Education Bill would prohibit (2009)
 143 Child Protection and Welfare Bill would prohibit (2008)
 144 Children Bill would ensure "domestic discipline" respects dignity but provide for "justifiable correction" (2010)
 145 Children Bill would prohibit (2010)
 146 Prohibited in institutions but possibly lawful in non-institutional case
 147 Government committed to prohibition (2007)
 148 See previous note
 149 Draft Family Code would remove right of correction but not explicitly prohibit corporal punishment (2009)
 150 But no explicit prohibition
 151 But no explicit prohibition

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Mauritania	X	X ¹⁵²	X	X	X
Mauritius	X	✓	✓	X	X
Mexico	X ¹⁵³	X	✓	X	X
Micronesia, Federated States	X	[✓]	✓	X	X
Monaco	X	✓ ¹⁵⁴	✓	✓ ¹⁵⁵	X
Montenegro	X	✓	✓	✓ ¹⁵⁶	X
Morocco	X	X ¹⁵⁷	✓	✓	X
Mozambique	X	X ¹⁵⁸	✓	✓	X
Myanmar	X	X ¹⁵⁹	✓ ¹⁶⁰	X	X
Namibia	X	✓	✓ ¹⁶¹	✓ ¹⁶²	SOME ¹⁶³
Nauru	X	[X]	[✓]	X	X
Niger	X	X	✓	X	X
Nigeria	X	X	SOME ¹⁶⁴	X	X
Niue	X	X	✓	??	[X]
Oman	X	✓	??	X	X
Palau	X	X	✓	X	X
Palestine	X	SOME ¹⁶⁵	[X] ¹⁶⁶	[X] ¹⁶⁷	X
Panama	X ¹⁶⁸	X ¹⁶⁹	✓	✓	X ¹⁷⁰
Papua New Guinea	X	X	✓	X	SOME ¹⁷¹
Paraguay	X	X ¹⁷²	✓	✓	X
Qatar	X	X ¹⁷³	X	X	X
Republic of Korea	X	X ¹⁷⁴	✓	✓ ¹⁷⁵	[SOME] ¹⁷⁶
Russian Federation	X	✓ ¹⁷⁷	✓	✓ ¹⁷⁸	X

152 Ministerial Order states that corporal punishment should not be used, but no prohibition in legislation
 153 But "right of correction" removed from the Civil Code of the Federal Territory
 154 But no explicit prohibition
 155 But no explicit prohibition
 156 But possibly no explicit prohibition
 157 Ministerial direction advises against the use of corporal punishment, but no prohibition in law
 158 Government directive advises against the use of corporal punishment, but no prohibition in law
 159 Government directive advises against the use of corporal punishment, but no prohibition in law
 160 But some legislation still to be amended/repealed
 161 But some legislation still to be repealed
 162 See previous note
 163 Prohibited in state institutions but some legislation still to be repealed; Child Care and Protection Bill would prohibit in all care settings (2009)
 164 Prohibited in 2003 Child Rights Act, but this not enacted in all states and other legislation not amended; lawful in some areas under *Shari'a* law
 165 Prohibited in UNRWA schools and in East Jerusalem; in public schools, Ministerial direction advises against using corporal punishment, but no prohibition in law
 166 Possibly unlawful in the West Bank
 167 Possibly unlawful in East Jerusalem
 168 Legislation prohibits only corporal punishment which results in injury
 169 See previous note
 170 See note 168
 171 2009 Lukautim Pikinini (Child) Act prohibits corporal punishment of children "in the care of the Director", but no prohibition in relation to forms of care run by non-government bodies and private care arrangements
 172 Legislation protects dignity but does not explicitly prohibit corporal punishment
 173 Ministerial Decree states that corporal punishment should not be used, but no explicit prohibition in legislation
 174 Draft Student Rights Bill would prohibit (August 2010)
 175 But no explicit prohibition
 176 Possibly prohibited in institutions
 177 But possibly no explicit prohibition
 178 But no explicit prohibition

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Rwanda	X ¹⁷⁹	X ¹⁸⁰	✓	X ¹⁸¹	X ¹⁸²
Saint Kitts & Nevis	X	X	X	X	X
Saint Lucia	X	X	✓	X	X
Saint Vincent & Grenadines	X	X	X	X	X
Samoa	X	✓	✓	[X]	X
San Marino	X	✓	✓	✓ ¹⁸³	X
Sao Tome & Principe	X	[✓]	SOME ¹⁸⁴	??	X
Saudi Arabia	X	X ¹⁸⁵	X	X	X
Senegal	X	✓	✓	✓ ¹⁸⁶	X
Seychelles	X	X ¹⁸⁷	✓	[✓]	[✓]
Sierra Leone	X	X	✓	X	X
Singapore	X	X	X	X	SOME ¹⁸⁸
Solomon Islands	X	X	✓	✓	X
Somalia	X ¹⁸⁹	SOME ¹⁹⁰	SOME ¹⁹¹	SOME ¹⁹²	SOME ¹⁹³
Sudan (Northern)	X	X ¹⁹⁴	[✓] ¹⁹⁵	X	X
Suriname	X	[✓]	✓	✓	X
Swaziland	X	X ¹⁹⁶	X ¹⁹⁷	X ¹⁹⁸	X ¹⁹⁹
Switzerland	X ²⁰⁰	✓ ²⁰¹	✓	✓	✓
Syrian Arab Republic	X	X ²⁰²	✓	??	X
Tajikistan	X	X	✓	X	X
Thailand	X	✓	✓ ²⁰³	✓ ²⁰⁴	X
TFYR Macedonia	X	✓	✓	✓ ²⁰⁵	✓

179 Draft Child Protection Bill would possibly prohibit (2010)
 180 Draft Child Protection Bill would prohibit (2010)
 181 See previous note
 182 See note 180
 183 But no explicit prohibition
 184 Prohibited for persons under the age of 17 years, but possibly lawful for 17 year olds
 185 Ministerial circulars advise against the use of corporal punishment, but no prohibition in law
 186 But no explicit prohibition
 187 Policy states that corporal punishment should not be used, but no prohibition in law
 188 Prohibited in child care centres
 189 But possibly prohibited in Somaliland
 190 Prohibited in Somaliland
 191 See previous note
 192 See note 190
 193 Prohibited in Somaliland but possibly not in all alternative care settings
 194 2010 Child Act prohibits cruel punishment but no explicit prohibition of all corporal punishment
 195 Possibly lawful under *Shari'a* law
 196 Proposals to prohibit in draft legislation under discussion (2008)
 197 See previous note
 198 See note 196
 199 See note 196
 200 2003 Federal Court ruling stated repeated and habitual corporal punishment unacceptable, but did not rule out right of parents to use corporal punishment; draft legislation to prohibit rejected by parliament in 2008
 201 Prohibited by federal law pursuant to cantonal legislation; 1991 Federal Court ruled it permissible in certain circumstances, but this considered impossible under current legislation
 202 Ministry of Education advises against its use but no explicit prohibition in law
 203 But some legislation still to be amended
 204 See previous note
 205 But no explicit prohibition

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Timor-Leste, Democratic Rep.	✗	✗ ²⁰⁶	✓	✓	✗ ²⁰⁷
Togo	✗ ²⁰⁸	✓	✓	✓	✓
Tonga	✗	✓	✗ ²⁰⁹	✗	✗
Trinidad & Tobago	✗	✗	✓	✗	✗ ²¹⁰
Turkey	✗	✗	✓	✓ ²¹¹	✗
Turkmenistan	✗ ²¹²	[✓] ²¹³	✓	[✓] ²¹⁴	✗ ²¹⁵
Tuvalu	✗	✗	SOME ²¹⁶	✗	✗
Uganda	✗	✗ ²¹⁷	✓	✓	✗
United Arab Emirates	✗	✓ ²¹⁸	✗	✗	✗
United Kingdom	✗ ²¹⁹	✓	✓	✓ ²²⁰	SOME ²²¹
United Republic of Tanzania	✗	✗	✗ ²²²	✗	✗
United States of America	✗	SOME ²²³	✓	SOME ²²⁴	SOME ²²⁵
Uzbekistan	✗	✓	[✓]	✓	✗
Vanuatu	✗	✓	SOME ²²⁶	✓ ²²⁷	✗
Viet Nam	✗	✗	✓	✓	✗
Western Sahara	✗	[✗]	[✓]	[✓]	[✗]
Yemen	✗ ²²⁸	✓	✗	✓	✗ ²²⁹
Zambia	✗	✗ ²³⁰	✓ ²³¹	✓ ²³²	✗
Zimbabwe	✗	✗	✗	✗	✗

206 Government committed to prohibition (2005)
 207 Policy advises against the use of corporal punishment in child care centres, orphanages and boarding houses, but no prohibition in law
 208 Possibly prohibited in Children's Code 2007
 209 2010 Court of Appeal ruling stated that whipping provisions in criminal law are likely to be unconstitutional but did not categorically declare corporal punishment unconstitutional
 210 Policy advises against using corporal punishment in health care and psychiatric institutions, but no prohibition in law
 211 But possibly no explicit prohibition
 212 2002 Rights of the Child (Guarantees) Act prohibits only corporal punishment considered to be harmful
 213 See previous note
 214 See note 212
 215 See note 212
 216 Unlawful under Penal Code and Code of Criminal Procedure, but lawful under separate laws for Island Courts
 217 Ministerial circular advises against using corporal punishment in state schools, but no prohibition in law; draft amendments to Children Act would prohibit (2010)
 218 But no explicit prohibition in relation to private schools
 219 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
 220 But no explicit prohibition in secure training centres
 221 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; guidance advises against the use of corporal punishment in day care institutions and childminding in Northern Ireland, but no prohibition in law; not prohibited in private foster care
 222 But possibly prohibited in Zanzibar
 223 Prohibited in public and private schools in Iowa and New Jersey, in public schools in a further 28 states and District of Columbia; bill to prohibit at federal level (Bill HR 5628) under discussion (2010)
 224 Prohibited in 32 states
 225 Prohibited in all alternative care settings in 30 states and in some settings in other states and the District of Columbia
 226 Used in rural areas for punishment of young boys and girls found to have broken village or custom rules
 227 But no explicit prohibition
 228 Proposals to restrict but not prohibit under discussion (2008)
 229 See previous note
 230 Education Bill which would prohibit under discussion (2010)
 231 But some legislation still to be amended
 232 See previous note

Global Initiative website: www.endcorporalpunishment.org

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



Human rights, law and corporal punishment – details of international and regional human rights standards, the work of the Committee on the Rights of the Child and other treaty monitoring bodies and briefings submitted to them by the Global Initiative, and national high level court judgments

Global progress – reports on the legality of corporal punishment and progress towards prohibition in every state worldwide, detailed information on states which have achieved prohibition in all settings including the home, and useful facts and figures

Research – research on prevalence, children's views and experiences, the effects of corporal punishment and on the experiences of states which have achieved full prohibition

Resources – internet and other resources to support the promotion of positive discipline for parents, teachers and carers, downloads of useful reports

Reform – details of legislative and other measures to support law reform, information on international, regional and national campaigns for law reform, online resources to support the promotion of law reform (designed to supplement the Global Initiative legal reform handbook)

Website for children

Keep up to date
 The Global Initiative publishes a regular global e-newsletter with news of progress towards prohibition worldwide, new research and resources to support law reform, human rights monitoring and more (to subscribe email info@endcorporalpunishment.org). The Global Initiative and The African Child Policy Forum jointly publish an African e-newsletter (to subscribe email vohito@africanchildforum.org).

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

This fifth Global Report reviews progress towards prohibition of corporal punishment and deliberate humiliation of children throughout the world, in the context of follow-up to the UN Secretary General's Study on Violence against Children, and highlights real opportunities for achieving law reform.



Child in Mongolia

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



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

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Save the Children
Sweden

Save the Children Sweden has made a significant contribution to the UN Study on Violence against Children, including advocating the

prohibition of corporal punishment in all settings, including the home, and has supported children and young people to consolidate and advocate this key message. The work has raised Save the Children's profile as a key agency addressing violence against children worldwide. In 1979 Save the Children Sweden contributed to Sweden becoming the first country to explicitly ban corporal punishment. It is currently working to highlight the issue in many other countries and cooperating with organisations to put the issue of corporal punishment on the political agenda around the world.

Save the Children Sweden:
<http://resourcecentre.savethechildren.se> email: info@rb.se

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