

Ending legalised violence against children

GLOBAL REPORT 2008



Inside: tables of
progress in all
regions – page 24

*Costa Rica becomes latest state to prohibit all corporal punishment:
Vice-President Laura Chinchilla signs the new law, 2008*

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

“The Study set an ambitious target for States, to prohibit all violence against children, including all corporal punishment, by 2009. The children that I met across the world had high expectations of the outcome of the Study and must not be disappointed by adult excuses and delays.”

Paulo Sérgio Pinheiro (The Independent Expert, UN Study on Violence against Children), 2008



Participants in Venezuela's parliamentary campaign for law reform

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For a full list of all organisation and individual supporters, see

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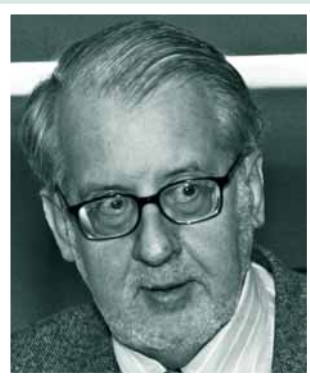
Introduction – the human to prohibit corporal punis

Prohibition of corporal punishment and other cruel and degrading punishment of children is an obligation under international and regional human rights instruments. Children have a right to equal protection from assault under the law. Failure to enact legislation which achieves equal protection and explicitly prohibits all corporal punishment represents a violation of this right, and allows the near universal social acceptance and use of corporal punishment in childrearing to continue unchecked.

The Committee on the Rights of the Child rigorously and systematically recommends explicit prohibition of all corporal punishment and the removal of legal defences which seek to justify its use by parents and others. This obligation under the Convention on the Rights of the Child was clarified in 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 (arts. 19; 28, para. 2; and 37, inter alia)" (2006). Other UN treaty monitoring bodies have also recommended that states explicitly prohibit corporal punishment of children, including the Committee Against Torture, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination Against Women and the Human Rights Committee.

Professor Paulo Sérgio Pinheiro

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



"I am very encouraged by the continuing progress in all regions towards the prohibition and elimination of corporal punishment and other forms of cruel and degrading punishment of children. The Global Initiative continues to make a great contribution by documenting this progress... but of course it is not fast enough for children. The Study on all forms of violence against children, which I led on behalf of the UN Secretary-General, set an ambitious target for States, to prohibit all violence against children, including all corporal punishment, by 2009. The children that I met across the world had high expectations of the outcome of the Study and must not be disappointed by adult excuses and delays."

"Now that the extent and the impact of this most common, routine form of violence has become visible there can be no possible justification for States to maintain its legality in the family home, in alternative care, in schools or in penal systems for young offenders. Hopefully, the recommended appointment of a Special Representative to the Secretary-General on violence against children will soon add further impetus to the follow-up to the UN Study."

"There is nothing 'reasonable' about hitting and humiliating children and there is huge potential for all human societies in moving on to a new respect for children, empowered as rights holders."

rights imperative hment

The number of states enacting legislation which prohibits corporal punishment of children wherever they are, including in the family home, is growing rapidly. The accelerating momentum reflects the high profile given to corporal punishment – the only legalised form of violence against children – in the UN Secretary-General’s Study on Violence against Children, which set a target date of 2009 for full prohibition in all settings in all countries.

Following up the UN Study, the General Assembly in its Resolution on the Rights of the child adopted in December 2007, urged all states “to strive to change attitudes that condone or normalize any form of violence against children, including cruel, inhuman or degrading forms of discipline” and “to take measures to promote constructive and positive forms of discipline and child development approaches in all settings, including the home, schools and other educational settings and throughout care and justice systems” (A/RES/62/141, paras. 57i and 57j).

The Human Rights Council, in its Resolution on the Rights of the child adopted in March 2008, urges states “to take appropriate measures to assert the right of children to respect for their human dignity and physical integrity and to prohibit and eliminate any emotional or physical violence or any other humiliating

cont...

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

“The Committee on the Rights of the Child has consistently and clearly interpreted the Convention as requiring the prohibition and elimination of all corporal punishment of children, since it started to examine States’ reports in 1993. Our General Comment No. 8, released in 2006, consolidates this and emphasizes: ‘Addressing the widespread acceptance or tolerance of corporal punishment of children and eliminating it, in the family, schools and other settings, is not only an obligation of States parties under the Convention. It is also a key strategy for reducing and preventing all forms of violence in societies.’

“The General Comment provides detailed guidance for States and the Committee is encouraged by the accelerating progress, set out in the successive annual reports of the Global Initiative. Law reform is a necessary but of course not sufficient response: children have a right to equal protection under the law, and the law must not condone violence disguised as discipline. Human dignity, physical integrity, and equal protection under the law should be the guiding principles that move parents and others away from using corporal punishment, with sustained educational programmes linked to clear legal frameworks.

“We are now approaching the 20th anniversary of adoption by the United Nations of the Convention: this should surely accelerate the movement towards achieving universal prohibition and an end to the social acceptance of violent or humiliating punishment of children.”



“... interpretation of a child’s best interests ... cannot be used to justify practices, including corporal punishment and other forms of cruel or degrading punishment, which conflict with the child’s human dignity and right to physical integrity.... The Committee emphasizes that the Convention requires the removal of any provisions (in statute or common - case law) that allow some degree of violence against children (e.g. ‘reasonable’ or ‘moderate’ chastisement or correction), in their homes/ families or in any other setting.”

(Committee on the Rights of the Child, General Comment No. 8, paras. 26 and 31)

or degrading treatment” (Resolution 7/29, para. 14c). It draws particular attention to schools, urging states “to take measures to eliminate the use of corporal punishment in schools” (para. 14d). In its Resolution on Torture and other cruel, inhuman or degrading treatment or punishment adopted in June 2008, the Council calls upon governments “to implement fully the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment” and reminds states that “corporal punishment, including of children, can amount to cruel, inhuman or degrading punishment or even to torture” (Resolution 8/8, paras. 1 and 7a). The legality of corporal punishment of children was a recurring theme in the Council’s examination of states in the first sessions of the new Universal Periodic Review process in 2008.

Regional human rights instruments also oblige states to prohibit corporal punishment of children. The European Court of Human Rights has progressively condemned corporal punishment in a series of judgments. A number of European states have been found by the European Committee of Social Rights to be not in conformity with the European Social Charter because they have not prohibited all corporal punishment in the home and other settings. In 2008, the Council of Europe became the first regional inter-governmental organisation to campaign for full prohibition across all its member states (see pages 12 and 13).



Discussions on corporal punishment at 2007 Children and Young People’s Congress, Philippines

The meaning of equal protection

Achieving equal legal protection from assault for children inevitably meets opposition. Often this is based on a fear that more parents will be prosecuted and even imprisoned, and families will be broken up. But this is not the intention of legal reform, and there is no evidence of this occurring in states which have enacted full prohibition.

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

Prosecuting parents is seldom in the interests of their children because of children's dependent status. In every case in which corporal punishment in the family comes to light, the aim must be first to seek to help parents and children through voluntary positive interventions – offers of advice, discussions with other parents and so on – which aim to stop violent and humiliating treatment of children. Prosecution should be used only as a last resort, when it seems necessary to protect a child from significant harm and to be in the best interests of the child. This is the advice of the Committee on the Rights of the Child in its detailed General Comment No. 8 (2006).

Reforming the law, accompanied with awareness raising campaigns about the prohibition and ongoing public education about positive parenting, should ensure a cultural change. Adults should no longer feel threatened by the idea that they cannot legally hit children because they will have a range of positive disciplinary methods to draw upon.



Launch of law reform campaign, Philippines, 2007

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

(Committee on the Rights of the Child, General Comment No. 8, para. 3)

Global progress towards ending all corporal punishment

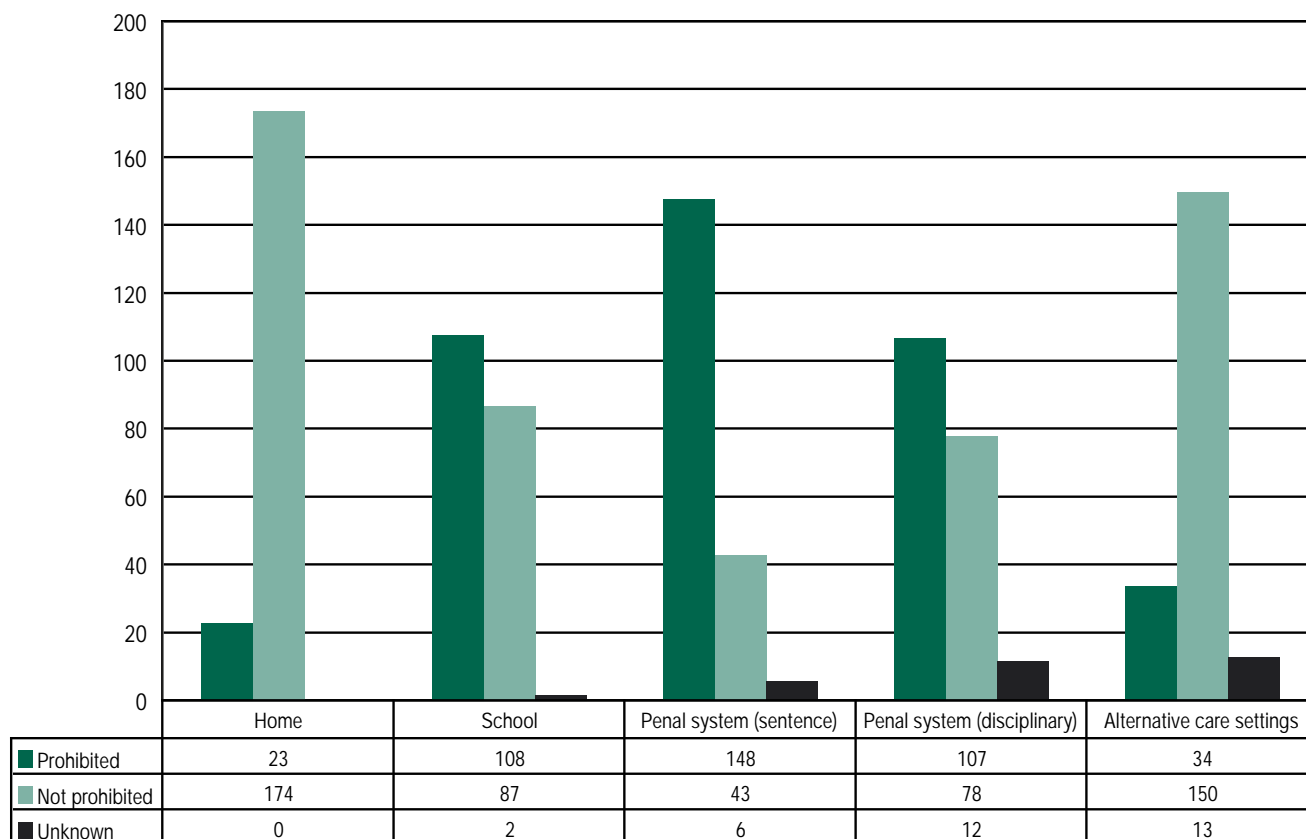
Since the beginning of 2007, seven states have joined the list of those that have achieved full prohibition, including the first Latin American states to do so (Costa Rica, Uruguay and Venezuela) and the first English-speaking state (New Zealand). As at September 2008, 23 states have achieved equal legal protection for children from assault and prohibited corporal punishment in all settings, including the home. The number is set to grow quickly, as many more governments have made a public commitment to enacting full prohibition (see tables, from page 24), and civil society campaigns are under way in many other states.

Other states have enacted laws prohibiting corporal punishment in settings outside the home, or made a commitment to doing so. Over 100 states have prohibited all school corporal punishment. In juvenile justice systems, corporal punishment is unlawful as a sentence of the courts in 148 states and as a disciplinary measure in penal institutions in 107 states. It is prohibited in all alternative care settings in 34 states.



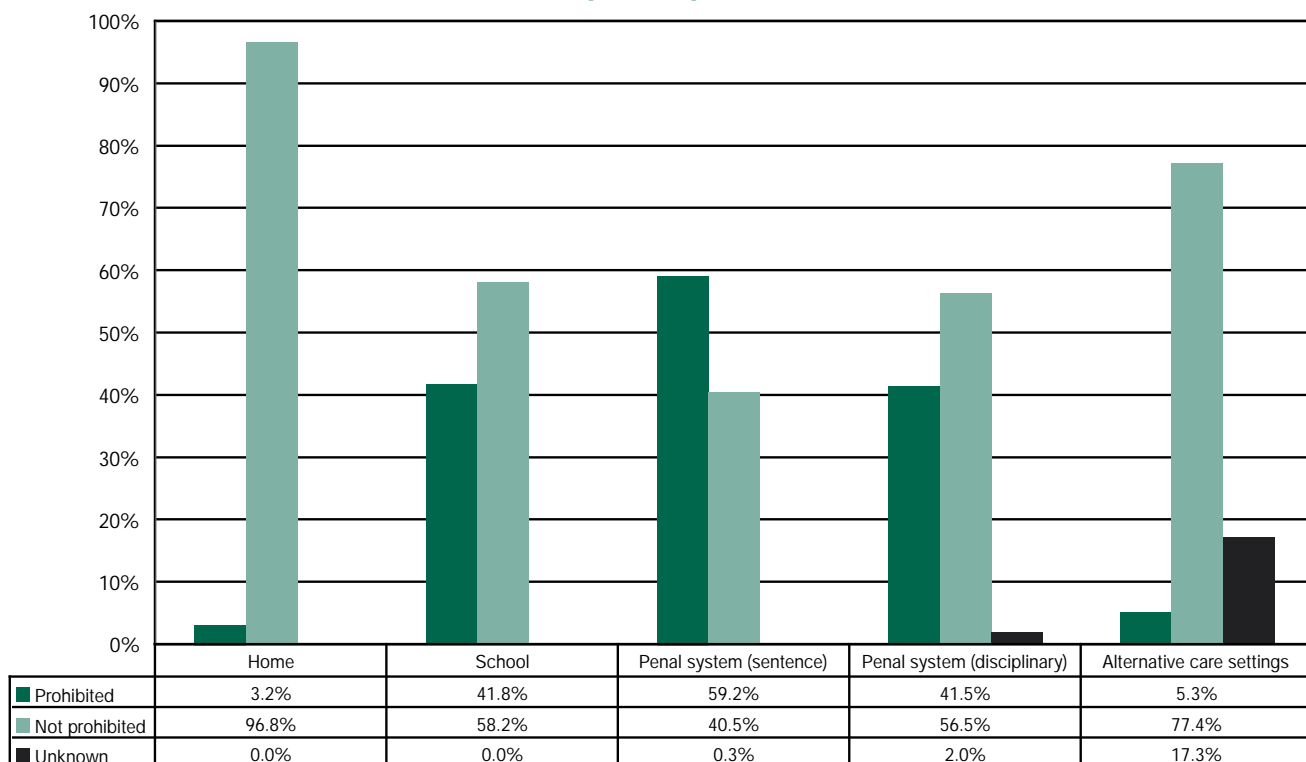
Media interview during Peru campaign, 2007

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 for Vatican City (which has no child population), plus Palestine, Somalia, Taiwan, the US and Western Sahara. Information as at September 2008.

Percentage of global child population protected in legislation from corporal punishment



Note: Child population figures (2006) from UNICEF (www.unicef.org, accessed May 2008) (except Cyprus (2002, UNICEF); Viet Nam (2004, UNICEF); Serbia and Montenegro (2005, UNICEF); Western Sahara (2005, <http://esa.un.org/unpp/p2k0data.asp>, World Population Prospects, accessed May 2006); Taiwan (2005, Children Bureau, Ministry of Interior))

States with full prohibitions

2008 Costa Rica

"Parental authority confers the rights and imposes the duties to orient, educate, care, supervise and discipline the children, which in no case authorises the use of corporal punishment or any other form of degrading treatment against the minors." (*Family Code*, amended 2008, article 143)

"Children and adolescents have a right to receive counselling, education, care and discipline from their mother, father or tutor, as well as from their caretakers or the personnel from educational and health centres, shelters, youth detention or any other type of centres, that in no way represents an authorisation of any sort to these parties for the use of corporal punishment or degrading treatment. The Patronato Nacional de la Infancia shall coordinate with the institutions conforming to the National Integral Protection System and NGOs, for the implementation of educational campaigns and programmes directed to parents and other adults in custodial or caring roles." (*Code on Children and Adolescents*, amended 2008, article 24bis)

2007 Spain

The "reasonable and moderate correction" defence was removed from articles 154 and 268 of the Civil Code in December 2007. (*Law 54/2007*, article 34)

2007 Venezuela

"All children and young people have a right to be treated well. This right includes a non-violent education and upbringing, based on love, affection, mutual understanding and respect, and solidarity.

"Parents, representatives, guardians, relatives, and teachers should use non-violent methods of education and discipline to raise and educate their children. Consequently, all forms of physical and humiliating punishment are prohibited. The State, with the active participation of society, must ensure policies, programmes and protection measures are in place to abolish all forms of physical and humiliating punishment of children and young people.

"Corporal punishment is defined as the use of force, in raising or educating children, with the intention of causing any degree of physical pain or discomfort to correct, control or change the behaviour of children and young people, provided that the act is not punishable.

"Humiliating punishment can be understood as any form of offensive, denigrating, devaluing, stigmatising or mocking, treatment, carried out to raise or educate children and young people, with the aim of disciplining, controlling or changing their behaviour, provided that the act is not punishable." (*Law for the Protection of Children and Adolescents*, amended 2007, article 32-A)

"The responsibility for raising children includes the shared duty and right, which is equal and non-derogable, of the father and mother to love, raise, train, educate, and look after their children, sustain and assist them financially, morally and emotionally, using appropriate corrective measures that do not violate their dignity, rights, guarantees or overall development. Consequently, all forms of physical punishment, psychological violence and humiliating treatment, which harm children and young people, are prohibited." (*Law for the Protection of Children and Adolescents*, amended 2007, article 358)

2007 Uruguay

"It is prohibited for parents, guardians, and all other persons responsible for the care, treatment, education or supervision of children and adolescents, to use physical or any other kind of humiliating punishment as a form of correcting or disciplining children or adolescents.

"Uruguay's Institute for Children and Adolescents, other State institutions and civil society are jointly responsible for:

(a) carrying out awareness raising and educational programmes for parents and all others responsible for the care, treatment, education or supervision of children and adolescents;

(b) promoting positive, participatory and non-violent forms of discipline as alternatives to physical punishment and other forms of humiliating treatment."

(*Code for Children and Adolescents*, amended 2007, in force 2008, article 12bis)

"Correct your children or protégés without the use of physical punishment or any other kind of humiliating treatment." (*Code for Children and Adolescents*, amended 2007, in force 2008, article 16f)

2007 Portugal

"Whoever repeatedly, or not, inflicts physical or psychological ill-treatment, including corporal punishment, deprivation of liberty and sexual offences, is punished with 1 to 5 years of imprisonment." (*Penal Code*, amended 2007, article 152)

2007 New Zealand

"(1) Every parent of a child and every person in the place of a parent of the child is justified in using force if the force used is reasonable in the circumstances and is for the purpose of (a) preventing or minimising harm to the child or another person; or (b) preventing the child from engaging or continuing to engage in conduct that amounts to a criminal offence; or (c) preventing the child from engaging or continuing to engage in offensive or disruptive behaviour; or (d) performing the normal daily tasks that are incidental to good care and parenting. (2) Nothing in subsection (1) or in any rule of common law justifies the use of force for the purpose of correction...." (*Crimes Act*, amended 2007, section 59)

2007 Netherlands

"(1) Parental authority includes the duty and the right of the parent to care for and raise his or her minor child. (2) Caring for and raising one's child includes the care and the responsibility for the emotional and physical wellbeing of the child and for his or her safety as well as for the promotion of the development of his or her personality. In the care and upbringing of the child the parents will not use emotional or physical violence or any other humiliating treatment." (*Civil Code*, amended 2007, article 1:247)

2006 Greece

"Physical violence against children as a disciplinary measure in the context of their upbringing brings the consequences of Article 1532 of the Civil Code." (*Law on the Combating of Intra-family Violence*, 2006, in force 2007)
(Note: Article 1532 of the Civil Code concerns abuse of parental authority.)

2004 Hungary

"The child has the right to be respected his/her human dignity, to be protected against abuse – physical, sexual and mental violence The child shall not be subjected to torture, corporal punishment and any cruel, inhuman or degrading punishment or treatment." (*Act on the Protection of Children and Guardianship Administration*, 1997, amended 2004, in force 2005, article 6.5)

2004 Romania

"(1) The child has the right to be shown respect for his or her personality and individuality and may not be made subject to physical punishment or to other humiliating or degrading treatments. (2) Disciplinary measures concerning the child can only be taken in accordance with the child's dignity, and under no circumstances are physical punishments allowed, or punishments which relate to the child's physical and mental development or which may affect the child's emotional status." (*Law on the Protection and Promotion of the Rights of the Child*, 2004, in force 2005, article 28)

"It is forbidden to enforce physical punishment of any kind or to deprive the child of his or her rights, which may result in endangerment of the life, the physical, mental, spiritual, moral and social development, the bodily integrity, and the physical and mental health of the child, both within the family as well as in any institutions which ensure the protection, care and education of children." (*Law on the Protection and Promotion of the Rights of the Child*, article 90)

2003 Ukraine

"Physical punishment of the child by the parents, as well as other inhuman or degrading treatment or punishment are prohibited." (*Family Code*, 2003, in force 2004, article 150.7)

2003 Iceland

"It is the parents' obligation to protect their child against any physical or mental violence and other degrading or humiliating behaviour." (*Children's Act*, 2003, article 28)

Other states which have achieved full prohibition are:

- 2000 Bulgaria (*Child Protection Act*, 2000, amended 2003, article 11.2)
- 2000 Germany (*Civil Code*, amended 2000, article 1631)
- 2000 Israel (*Criminal Code*, amended 2000)
- 1998 Croatia (*Family Act*, 1998, in force 1999, article 87)
- 1998 Latvia (*Law on Protection of the Rights of the Child*, 1998, articles 9.2 and 24.4)
- 1997 Denmark (*Parental Custody and Care Act*, amended 1997)
- 1994 Cyprus (*Family (Prevention and Protection of Victims) Law*, 1994)
- 1989 Austria (*General Civil Code*, 1989, section 146a)
- 1987 Norway (*Parent and Child Act*, amended 1987)
- 1983 Finland (*Child Custody and Rights of Access Act*, 1983, in force 1984, article 1.3)
- 1979 Sweden (*Parenthood and Guardianship Code*, amended 1979, article 1)

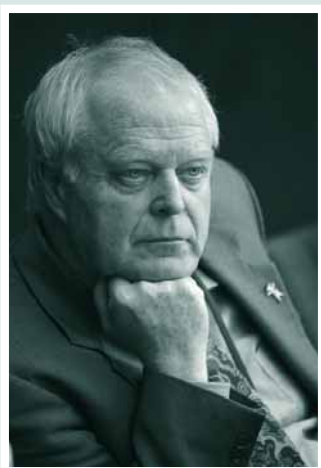
For details, see www.endcorporalpunishment.org.

Recommendations

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

- 1** Explicitly prohibit all violence against children, including all corporal punishment and other cruel or degrading punishment or treatment, in the family and in all other settings. This is required by the Convention on the Rights of the Child and by other international and regional human rights instruments. Law reform is required to repeal any existing defences that can be used to justify violent punishment and any laws that authorise it in any setting. Explicit prohibition in sectoral laws applying within the family and to schools, the penal system, alternative care settings and situations of employment is required to send a clear message.
- 2** Ensure that awareness-raising of children's right to protection, promotion of non-violent childrearing and education and the principles of non-violent conflict resolution are built into all the points of contact with future parents and parents and into the training of all those working with or for children and families. Encourage political, community and faith leaders and educators to support this awareness-raising and public education.
- 3** Involve children in the development of effective and appropriate action to eliminate corporal punishment and other cruel or degrading punishment or treatment.
- 4** Review the extent of violent victimisation of children, including in the family, through confidential interview studies with children themselves and with parents and other carers.
- 5** Review safeguards to protect children from all forms of violence in the full range of residential institutions and other forms of alternative care, state and private, and implement any necessary improvements.

Making Europe a corporation – the Council of Europe



Thomas Hammarberg Commissioner for Human Rights, Council of Europe

“Prohibiting and eliminating all corporal punishment of children is an explicit priority aim of the Council of Europe and I am glad to note that more than half the 47 member states have either achieved full prohibition, including in the family home, or have publicly committed themselves to achieve this soon.”

“The strong human rights mechanisms of the Council have helped to ensure that this region is making faster progress than others towards achieving universal prohibition.”

“It should be embarrassing for all of us that children have had to wait until last to achieve full legal protection of their human dignity and physical integrity. This is not a complex issue – hitting people is wrong and children are people too – yet adults still find all sorts of excuses to put off providing children with a basic legal protection that they take for granted for themselves.”



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

“The European Convention on Human rights provides that ‘everyone’ within the jurisdiction of a member state of the Council of Europe shall enjoy the rights and freedoms contained therein, including the right not to be subject to torture or inhuman and degrading treatment or punishment. There is no footnote in the Convention saying that children are excluded from the term ‘everyone’....”

“All forms of physical punishment of children are a violation of basic human rights. These rights, protected by the European Convention on Human Rights, the European Social Charter and the United Nations Convention on the Rights of the Child, belong to children and adults. We care for children and help them to develop, but we do not own them. As guardians of their well-being, we have a legal and moral responsibility to provide them with a childhood which honours their rights and leaves them with a legacy which does not condone violence. Only when this happens will Europe become a true home for children.”

*(Preface to the Council of Europe handbook *Eliminating corporal punishment: A human rights imperative for Europe’s children*, 2nd edition, December 2007)*

Corporal punishment-free zone campaign

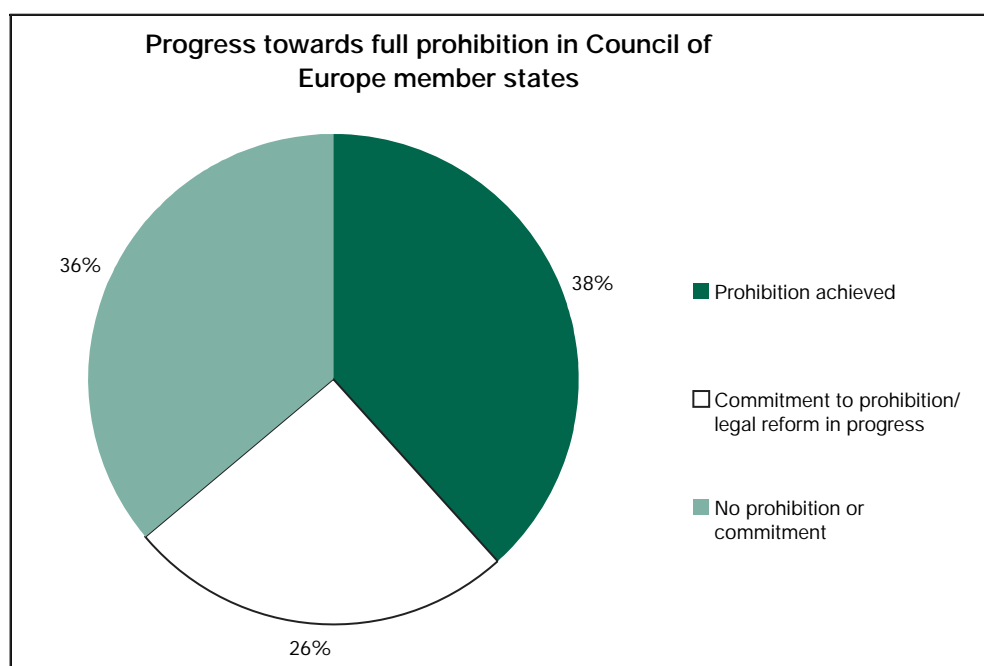
The Council of Europe is the first regional inter-governmental organisation to campaign for an end to corporal punishment of children, as part of its programme “Building a Europe for and with children”. On 15 June 2008, the Council launched “Raise your hand against smacking” at the Zagreb Puppet Theatre in Croatia. The initiative recognises the target date of 2009 set by the UN Study on Violence against Children to prohibit corporal punishment of children and aims to achieve full prohibition in all 47 member states. It also aims to promote positive parenting and to raise awareness of children’s rights throughout Europe.

The launch was attended by high-level representatives of governments and international organisations, parliamentarians, local authorities, ombudspersons, young people, families with children, NGOs, and child network professionals.

To protect children from corporal punishment, the Council has developed tools for the use of governments, parliaments, local authorities, professional networks, civil society and others caring for children. These resources, in English and many other European languages, include materials for the media, handbooks and information aimed at different audiences, posters and summary leaflets.

As at September 2008, over a third of the 47 member states (18) have achieved prohibition, one (Italy) has prohibited by Supreme Court judgment, and in at least another 11 states the government has made a commitment to enacting prohibiting legislation and/or legal reform is under way. But in just over a quarter of member states corporal punishment remains lawful in one or more settings and there has been no official commitment to reform.

For further information on the Council of Europe’s work to end corporal punishment, see www.coe.int/t/transversalprojects/children/violence/corporalPunishment_en.asp and the campaign website www.coe.int/t/transversalprojects/children/News/ZagrebKickoff_en.asp.



National campaigns to a children's right to equal

In states which have not yet achieved prohibition of all corporal punishment in all regions of the world – there are active campaigns for law reform involving children's organisations, UN agencies and other bodies. These pages briefly summarise a selection.

Brazil

The campaign to prohibit corporal punishment of children and adolescents, run by the 200-strong network *Educate, Do Not Punish!* (*Rede Não Bata, Eduque!*), was launched in June 2007, in a ceremony in Palácio do Planalto. President Luiz Inácio Lula da Silva attended, as well as the children's show host Xuxa Meneghel, who features in the advertising materials, and almost 400 guests, including authorities, members of parliament, children and NGOs. The main message of the ceremony was the need to change the culturally accepted notion that beating children is a legitimate way to educate them. A 30-second video was released during the launch – and broadcast nationally – showing families that small gestures (slaps, pinches) can evolve into more serious aggression and harm children's development.

Draft legislation which would prohibit all corporal punishment has already been discussed in parliament but stalled due to opposition. The campaign underpins new efforts to see prohibiting legislation (Project of Law 2654/2003) successfully through parliament.

For further information, see www.naobataeduque.org.br/english/.

"People cannot think that beating an adult is a crime and beating a child is education. We must know that it is a mistake, as much as hitting women, or slavery were in the past."

(Xuxa Meneghel, children's show host)

Canada

The Repeal 43 Committee is a national, voluntary group of lawyers, paediatricians, social workers and educators. Formed in 1994, the Committee campaigns for the repeal of section 43 of the Criminal Code, which allows parents to use force "by way of correction" and therefore provides a legal defence for parents who inflict corporal punishment on their children.

The Committee's first action, in April 1994, was to submit a 30-page Brief to the Minister of Justice and other federal ministers explaining the need for repeal of section 43. Since then, the Committee has encouraged supporting organisations to write to federal ministers – and almost 200 organisations have done so. The Committee has also prepared a petition, written newspaper articles, participated in radio and TV programmes, supported MPs in introducing Bills to Parliament, and monitored judicial, political and international developments.

For further information, see the campaign website at www.repeal43.org.

"The law on assault no longer gives husbands a defence that allows reasonable force to 'correct' a wife. There is no disagreement that such an assault, no matter how minor, should be an offence under the Code. The same protection needs to be fully provided for children."



achieve protection

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ing NGOs,



President Luiz Inácio Lula da Silva, Xuxa Meneghel, and others launch campaign

Fiji

Save the Children Fiji is in its second year of campaigning against corporal punishment and other inhuman and degrading forms of punishment in Fiji, including for explicit prohibition in all settings. Prior to the political coup in December 2006, a statement calling for an end to physical and emotional punishment of children was endorsed by the then Prime Minister, the Director of Public Prosecutions Office, the Fiji Human Rights Commission and a number of other bodies including teacher training institutions and human rights based organisations. A democratically elected government able to pass legislation is anticipated to be in place in 2009.

Save the Children Fiji has worked closely with government ministries, organising workshops on non-violent education and parenting. A series of workshops on positive discipline is planned for 2008, building on a successful workshop in 2007. A one day meeting focusing on the issue of corporal punishment is planned for the National Coordinating Committee on Children (NCCC), which oversees implementation of the Convention on the Rights of the Child in Fiji, following which the NCCC will issue a public statement on corporal punishment in schools. A future workshop will address corporal punishment in all settings, including the home.

Lebanon

In August 2008, World Vision Lebanon held a national campaign to end corporal punishment in all settings, including in the home. "Protect Children from Violence Month" included a seminar, a roundtable discussion and grassroots activities to raise awareness about the issue and to build public support for action by policy makers to address the problem. During the month, World Vision's National Children's Council held its semi-annual meeting in Beirut to call for action to end violence against children.

Lithuania

In 2008, Save the Children Lithuania held a conference on violence in family, as part of the annual social campaign "No to violence against children". At the conference children expressed their views on violence and corporal punishment in the family. Children also participated in parliamentary debates about parents' responsibility to educate children. During the year Save the Children Lithuania also launched its campaign "Educate responsibly", which aims to promote positive parenting through public events for children and families, publication of reports and other materials, and an informative new website. Materials already published to support prohibition include an information booklet "See, Hear, Say" and a booklet on children's views "In my opinion...". Over 250 children also expressed their views on corporal punishment in a 2008 essay competition on "Children's advice on how to be great parents".

Mongolia

Within the context of developing a national child protection system, a number of NGOs are working together to promote amendments to the Family Law which would prohibit corporal punishment. The intention is to present the draft legislation to parliament late in 2008, with the aim of prohibiting all corporal punishment by 2009-2010.



Public march on Child Rights Day 2007

Children are key advocates in the campaign for the child protection system and the prohibition of corporal punishment. For example, more than 600 children supported the appeal to stop violence at school, which was written by the children for teachers and parents following an incident where a teacher seriously hurt her students for not doing their homework. The appeal was published in the daily newspapers and the children held a press conference.

On Child Rights Day in 2007, a public march was held based on the slogan 'Human rights start with child rights' and with posters saying 'The day you stop using violent childrearing methods shall be a happy day for your child. Today is the happy child day!'

The campaign to prohibit corporal punishment has been supported by extensive use of the media to stimulate public debate and to promote positive discipline, the dissemination of materials aimed at decision makers and the development of a parenting programme at Save the Children's community based centres. Late in 2008, the launch of the alternative and children's reports on implementation of the Convention on the Rights of the Child will provide another opportunity to promote equal protection for children.

Pakistan

The Society for the Protection of the Rights of the Child (SPARC) campaigns for prohibition of corporal punishment in all settings, including in schools and in the home. It regularly responds to relevant media reports (e.g. of injurious corporal punishment in schools) by highlighting the need for prohibition. SPARC has published a trainer's toolkit for teachers, *Building Bridges: Alternatives to Corporal Punishment in Schools* and runs training courses on this issue.

For further information see www.sparcpk.org.



Peru

A campaign is underway in Peru to prohibit corporal punishment by amending the Child and Adolescents Code. The "Goodbye to Corporal Punishment" campaign focuses on the impact of children's organisations in eliminating corporal punishment and the promotion of a "pedagogy of tenderness" in parenting and education. Working in alliance with the Ombudsman, the organisations involved include Save the Children, Plan International, Terre des Hommes and EveryChild. A coalition of children and adolescents against corporal punishment has also been formed.

The success of the campaign was marked by a statement by Congress in December 2007 of its all-party commitment to prohibition. Legislation has been drafted to be submitted to Congress through the Children's Ombudsman in 2008.



Presentation of 25,000 signatures supporting prohibition to the President of Congress, 2007

Philippines

There are networks and alliances promoting prohibition of corporal punishment in the three major island groupings of the Philippines. Prohibiting corporal punishment is one of the four legal reform priorities of the Child Rights Network, with Save the Children Sweden as the lead organisation on this issue.

In 2006, Save the Children published a report on Philippine legislation relating to discipline and punishment of children, which formed the basis for the campaign to enact prohibiting legislation. The National Strategic Plan of Action on Violence against Children includes the recommendations of the UN Study on Violence against Children, including to prohibit all corporal punishment.



School children call for an end to corporal punishment during a parade in General Santos City, October 2007

Awareness raising activities have been held, with children themselves playing a key role, including in workshops, street parades, and various forums. Bills which would prohibit in all settings by amending various laws have been filed at the Senate and the House of Representatives but have not yet been filed for public hearing. A more comprehensive bill is being drafted and consultations with adults and children are being held.

Serbia

The campaign to prohibit corporal punishment in Serbia – “Uvek milom nikada silom (Never by force, always by dialogue)” – was launched in October 2007, when 18 child rights organisations, lead by Save the Children Fund UK and UNICEF, called for a legal ban on all corporal punishment. The campaign is supported by the Council for Child Rights (a consultancy body of the government) and the deputy of the Child Rights Ombudsman of the Autonomous Region of Vojvodina.

The campaign aims to introduce explicit prohibition of corporal punishment in the Law on amendments of the Family Law (drafting of this Law is still in a planning phase).

The campaign manifesto is available at www.unicef.org/serbia/manifest.pdf.

South Africa

In addition to activities noted under the Southern African Network to End Violence Against Children (see over), the campaign in South Africa seeks to reintroduce the prohibition of all corporal punishment in Parliament by way of an amendment bill in 2009, following the last minute rejection of complete prohibition in the Children’s Amendment Act passed in 2007. The possibility of constitutional challenge is being investigated should the legislative process fail. The Working Group on Positive Discipline held a national workshop in April 2008 which was attended by government representatives, civil society organisations and children and young people, and which aimed to strengthen the support base for prohibiting all corporal punishment and discuss the implementation of positive parenting programmes. Factsheets and Frequently Asked Questions have been developed and these together with research reports on the experiences of children have been widely distributed. RAPCAN has published new resources on positive discipline for parents and teachers (available at www.rapcan.co.za/resources/).



Southern Africa

The Southern African Network to End Violence Against Children has been meeting annually since 2006, to coordinate advocacy of the prohibition of all corporal punishment and the promotion of positive discipline in southern African states. In April 2008, representatives from Botswana, Lesotho, Mauritius, Mozambique, South Africa, Swaziland and Zambia attended the meeting, coordinated by Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN).



The Network has also prepared submissions to the South African Parliament on the Children's Amendment Bill, written to the African Union seeking a hearing with the African Committee of Experts on the Rights and Welfare of the Child on the issue, developed a handbook on advocacy for law reform and made submissions to UN human rights bodies. Members of the Network are currently developing locally appropriate positive parenting programmes, producing letters and information packs for SADC, and preparing for a session on the issue at the All African Conference of Churches late in 2008.

Article 19, a journal established in 2005 to highlight issues related to all forms of corporal punishment of children, and promote positive discipline and prohibition of corporal punishment in South Africa and throughout Africa,

is disseminated in the region through the Network. It is published every four months by the Children's Rights Project at the Community Law Centre, University of the Western Cape, and is available for download at www.communitylawcentre.org.za/Childrens-Rights.

UK

The Children Are Unbeatable! Alliance campaigns for equal legal protection for children from assault, through complete repeal of the "reasonable punishment" defence. The Alliance is supported by more than 400 organisations and many more individuals, and is the broadest campaign coalition ever assembled on a children's issue in the UK. The Alliance conducts public awareness raising on children's right to equal protection and what this would mean, lobbies politicians and responds to relevant government consultations.

The Alliance is associated with a children's campaign, run by children and young people. When children sign up, they receive a free campaign pack with a badge, stickers and information about how they can campaign.

In 2007, Children Are Unbeatable! in Wales (S'dim Curo Plant!) launched a web-based toolkit which aims to change attitudes and behaviour around the physical punishment of children. It includes materials that can be used by a range of groups and individuals to effect legal reform, to support public education on why smacking children is not acceptable, and to promote positive parenting. It includes an extensive resources section, ideas for activities, information sheets and links to other organisations.

For further information, see www.childrenareunbeatable.org.uk; for the children's campaign see www.childrenareunbeatable.org.uk/children; for Children Are Unbeatable! in Wales see www.childreninwales.org.uk/2401.html and for the toolkit see www.helpathandtoolkit.info.

"We believe it is both wrong and impracticable to seek to define acceptable forms of corporal punishment of children. Such an exercise is unjust. Hitting children is a lesson in bad behaviour. Removing the defence of 'reasonable punishment' and thus giving children in their homes and in all other settings equal protection under the law on assault is the only just, moral and safe way to clarify the law."



US

The Center for Effective Discipline campaigns for an end to corporal punishment in the home and in schools in the US. It coordinates the National Coalition to Abolish Corporal Punishment in Schools (NCACPS) and End Physical Punishment of Children (EPOCH-USA). Activities include public education on the effects of corporal punishment on children and on positive non-violent parenting and teaching, coordination of the annual SpankOut Day! USA on 30 April, and lobbying for explicit prohibition of corporal punishment in state legislation. For further information, see www.stophitting.com.

Parents and Teachers Against Violence in Education (PTAVE) campaigns for equal protection from assault for children in the US, particularly in relation to prohibiting corporal punishment in schools. Its website, "Project NoSpank", is a resource for parents, students, educators, education policy makers, healthcare providers, children's advocates, and all others concerned with the safety and wellbeing of children. For further information see www.nospank.net.

"The Hitting Stops Here" campaign aims to raise awareness about the use of corporal punishment in schools in the US and about the harm it causes children, to enlist educators in not using corporal punishment and urging individuals to lobby state legislators to enact prohibition, and to promote positive non-violent parenting and teaching methods. For further information see www.thehittingstopshere.com.

Human Rights Watch and the American Civil Liberties Union have also called for prohibition of corporal punishment in schools, and in August 2008 published a joint report which highlighted the prevalence of corporal punishment and its disproportionate infliction on particular groups of students. For further information see <http://hrw.org/english/docs/2008/08/19/usdom19655.htm>.



Zambia

Zambia's campaign is coordinated by the Southern African Network to End Violence Against Children (see previous page). The report of research into Zambian children's views on corporal punishment has been published in a popular version and widely distributed, and there have been press releases and press conferences on the issue. The Zambia Interfaith Networking Group on HIV/AIDS has agreed to undertake a study of religious texts to see exactly what they say about physical punishment.

The Zambia Civic Education Association, as part of its "Ending Corporal Punishment Project", has carried out awareness raising through radio and TV slots and workshops for government officials, teacher trainers, teachers, parents, guardians, caregivers, and church and community leaders.

For further information see www.zamcivic.com.zm/corporalpunishment.php.



"I was told to kneel down in the sun for two hours for not doing well in the subject of R.E.' ... 'I was caned on the buttocks with a thick wooden whip because I stole meat from the pot'.... We want to see an end to the children of Zambia reporting incidents like these. We believe that an end to corporal, physical and humiliating punishment of children is essential to building a strong future for Zambia's next generations."

Other campaigns

Global campaigns to end school corporal punishment

In October 2008, Plan International is set to launch its global campaign to end violence against children in schools, focusing on corporal punishment, bullying, and sexual abuse. The "Learn Without Fear" campaign is to be implemented in the 66 countries in which Plan works. For further information, see www.plan-international.org/involved/campaigns/learnwithoutfear/.

"Recent studies have laid bare the shocking reality of physical and emotional abuse endured by children. Schools themselves often subject children to violence with beating and caning of pupils is still standard practice in many countries.

"Cruel and humiliating forms of psychological punishment, gender-based violence and bullying remain a daily reality for millions of children."

Amnesty International has long campaigned against judicial corporal punishment. Now, as part of its campaign to stop violence against women, Amnesty is campaigning for safe schools for girls and for prohibition of corporal punishment in schools. For further information, go to the Safe Schools page at the Amnesty International website <http://snipurl.com/3woc5>.

"Schools are places for children to learn and grow. But many girls all over the world go to school fearing for their safety, dreading humiliating and violent treatment, simply hoping to get through another day..."

"Education is a human right, and ensuring access to education free from violence is a state responsibility. Under international law, the state must ensure, at a minimum, universal access to primary education. That obligation cannot be satisfied if girls do not feel safe in school."

First Global Workshop on achieving legal reform

In May 2008, the first Global Workshop on achieving legal reform to prohibit corporal punishment was held in Thailand, Bangkok, led by Save the Children, the Global Initiative and the Churches' Network for Non-Violence.

Building on the Global Initiative's legal reform handbook (see opposite) and the experiences of people involved in successful campaigns worldwide which have resulted in prohibition of all corporal punishment, the nearly 60 participants from all regions examined the challenges faced – and ways to overcome them – in their own states.

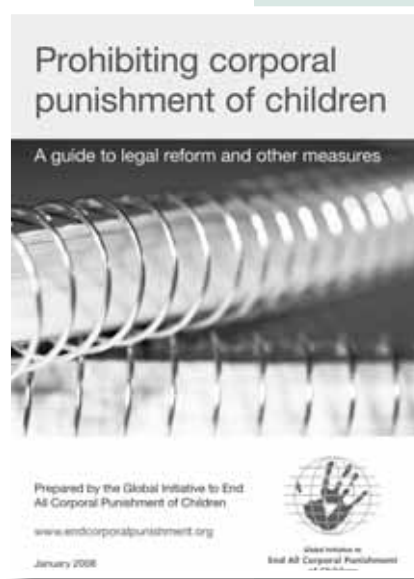
During the workshop, national strategies for law reform, including the drafting of legislation and strategies for moving it through parliament, were developed by advocates working in Botswana, Brazil, Cambodia, Ethiopia, Fiji, Indonesia, Japan, Kenya, Lebanon, Lithuania, Mongolia, Mozambique, Nepal, Nicaragua, Palestine, Papua New Guinea, Peru, Philippines, South Africa, Southern Sudan, Sri Lanka, Swaziland, Uganda, Viet Nam, Yemen and Zambia.

Resources for reform

Global Initiative

Detailed guidance on how to achieve legal reform was published by the Global Initiative in January 2008, and revised and translated in September 2008. *Prohibiting corporal punishment of children: A guide to legal reform and other measures* builds on the advice of the Committee on the Rights of the Child in its General Comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment. It provides examples of prohibiting legislation and gives guidance on non-legislative measures to support full prohibition. It is accompanied by online resources dedicated to legal reform (www.endcorporalpunishment.org/reform). The handbook (in English, French and Spanish) is available on the website (www.endcorporalpunishment.org). For hard copies contact info@endcorporalpunishment.org.

The Global Initiative also distributes a bi-monthly e-newsletter, covering developments towards universal prohibition. Supporters receive the newsletter automatically. If you would like to be added to the mailing list please contact info@endcorporalpunishment.org.



Churches' Network for Non-Violence

The Churches' Network for Non-Violence (CNNV) recognises that religious groups can play a key role in promoting positive discipline and in working with governments to achieve prohibition of all corporal punishment of children. CNNV organises and supports activities for all faith groups, building a network of support, information and practical resources to

support the prohibition and elimination of corporal punishment. It has published a study guide to help churches engage with the issue (*Respecting Children: A handbook on growing up without violence*) and in 2008 launched a new worship resource (*Respecting Children: Resources for Worship*) at the Lambeth Conference in the UK. An area of the website (www.churchesfornon-violence.org) is dedicated to multi-faith resources.

“Universal regard for children transcends religious and theological differences. It impels religious groups to join with others in rejecting all forms of violence and humiliating treatment of children, including corporal punishment.”

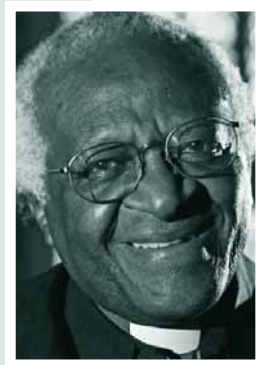
(Coventry Charter for Children and Non-violence (UK), 2006)

Challenging faith-based violence against children and faith-based support

The process of achieving equal legal protection from assault for children is often met with opposition from faith-based bodies and individuals appealing to religious texts and traditions which appear to support the use of corporal punishment. But there is also rapidly growing faith-based support for non-violent relationships with children and prohibition of all corporal punishment.

At a global consultation of religious leaders and experts in Toledo, Spain, convened by the World Conference of Religions for Peace (WCRP) and UNICEF in 2006, participants recognised the pivotal role religions can play in ending violence against children, and acknowledged past failures in this respect. The resulting Declaration, endorsed at the 8th World Assembly of Religions for Peace in Kyoto, Japan, in August 2006, calls for governments “to adopt legislation to prohibit all forms of violence against children, including corporal punishment” and “to establish appropriate mechanisms to ensure the effective implementation of these laws and to ensure that religious communities participate formally in these mechanisms”.

The Zambia Episcopal Conference for the Catholic Church is officially opposed to corporal punishment, seeing it as degrading to the physical and psychological integrity and well-being of a child. A spokesperson stated that the Catholic Church would support legislation prohibiting corporal punishment. The Zambian Inter-faith Networking Group on HIV/AIDS has also taken a stance against corporal punishment.



The Most Reverend Desmond M. Tutu Archbishop Emeritus

“I support the Global Initiative to eliminate all corporal punishment at home, in institutions and community.... Churches are increasingly speaking out on behalf of children.... But we must do much more if we are to achieve our goal of eliminating all corporal punishment of children. Millions of the world’s children still suffer from humiliating acts of violence and these violations of their rights as human beings can have serious and lifelong effects. Violence begets violence and we shall reap a whirlwind.... If we really want a peaceful and compassionate world, we need to build communities of trust where all children are respected,

where home and school are safe places to be and where discipline is taught by example. May God give us grace to love our children as He loves them and may their trust in us lead them to trust Him.”

Child-based violence and building on support for prohibition

New Zealand Anglican Bishops declared their support for equal protection for children, presenting a signed statement to the Prime Minister during the passage of the law which eventually achieved full prohibition in New Zealand. The South African Council of Churches and the Southern African Catholic Bishops' Conference Parliamentary Liaison Office have also expressed their support for prohibition in the context of debate on full prohibition in South Africa.

In January 2008, church leaders in Norway supported the proposal by the Norwegian Ombudsman for Children to update references to "chastisement" in new translations of the Bible with more appropriate language. The move came following concerns that some children believed violence may be authorised by the Bible. The Bishops' Conference of Norway stated: "Today the word 'chastisement' has acquired a meaning that differs from its original intended meaning. In modern Norwegian usage, the word 'chastisement' is virtually synonymous with corporal punishment. Today this word is unsuitable for reflecting what is involved when the Bible speaks of parents' responsibility to raise and guide their children."

The study *Children in Islam* by UNICEF and Al-Azhar University, Cairo (2005) states that "Shariah forbids any attack on the human body including smacking or other forms of corporal harm or sexual assault". Following its publication, prominent religious leaders, including the Grand Sheikh of Cairo's Al-Azhar mosque, Sayyed Mohammed Tantawi, and the Coptic Pope Shenouda 111, have declared publicly that harmful traditional practices have "no foundation in religious texts" of either Islam or Christianity.

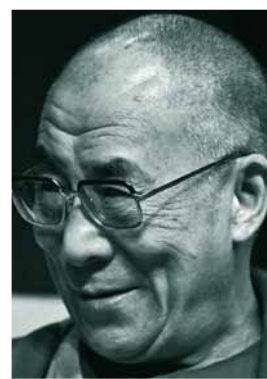
"Parental care is the main foundation for protecting children and enabling them to enjoy the rights guaranteed by Islam. But society and state institutions also have a key role in this regard. For all children to acquire such rights without discrimination, lawmakers must also ensure children are protected from physical or moral humiliation."

(Grand Sheikh Sayyed Mohammed Tantawi)

His Holiness the Dalai Lama

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

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



Global progress towards full prohibition: legal status of corporal punishment of children worldwide (September 2008)

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 23 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); Latvia (1998); Netherlands (2007); New Zealand (2007); Norway (1987); Portugal (2007); Romania (2004); Spain (2007); Sweden (1979); Ukraine (2003); Uruguay (2007); Venezuela (2007)

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	✗	✗	[✓]	✗	✗
Czech Republic ⁶	✗	✗	✓	✓ ⁷	✗
Estonia ⁸	✗	✓ ⁹	✓	✓ ¹⁰	✗
Ireland ¹¹	✗	✓	✓	✓	SOME ¹²
Lithuania ¹³	✗	✓ ¹⁴	✓	✓ ¹⁵	✗

1 Commitment to prohibition in all settings, including the home, made at July 2006 meeting of the South Asia Forum, following 2005 regional consultation of the UN Secretary General's Study on Violence against Children

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

3 As for Afghanistan (note 1)

4 Ministerial directives advise against use

5 As for Afghanistan (note 1)

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

7 But no explicit prohibition

8 Government committed to prohibition and draft legislation due to be submitted to parliament late 2008

9 But no explicit prohibition

10 But no explicit prohibition

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

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

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

14 But no explicit prohibition

15 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	
Luxembourg ¹⁶	✗	✓	✓	✓	✗
Maldives ¹⁷	✗	✓ ¹⁸	✗	✗	SOME ¹⁹
Pakistan ²⁰	✗	SOME ²¹	SOME ²²	✗ ²³	✗
Peru ²⁴	✗	✗ ²⁵	✓	✗	✗
Poland ²⁶	✗ ²⁷	✓	✓	✓	✓ ²⁸
Serbia ²⁹	✗	✓	✓	✓	✗
Slovakia ³⁰	✗	✓ ³¹	✓	✓	✓
Slovenia ³²	✗	✓	✓	✓	SOME ³³
Sri Lanka ³⁴	✗	✗ ³⁵	✓	SOME ³⁶	✗
Taiwan ³⁷	✗	✓	✓	✓	??

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 (but see note on Canada).

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 ³⁸	✗	✗	✓	✗	✗
Canada ³⁹	✗	✓ ⁴⁰	✓	✓	SOME ⁴¹

- 16 Government has stated its intention to prohibition in the home; as at May 2007 a Bill was pending that would prohibit in the family and educational settings
- 17 Commitment to prohibition in all settings as for Afghanistan (note 1), but government has also stated commitment to retaining corporal punishment under Islamic law (2006) and according to Committee on the Rights of the Child as at June 2007 draft Penal Code legalizes corporal punishment in home, schools and institutions
- 18 But the Draft Penal Code would introduce a justification for the use of corporal punishment by teachers (August 2008)
- 19 Prohibited in the Education and Training Centre for Children
- 20 Commitment to prohibition in all settings as for Afghanistan (note 1); as at July 2008, draft Protection of Children Act (2005) which would introduce full prohibition under discussion; 2005 National Child Policy recognises right of the child to protection from corporal punishment
- 21 Prohibited in North West Frontier, Punjab and Sindh Provinces by directive
- 22 Prohibited in 2000 Juvenile Justice System Ordinance but as at July 2008 this not implemented in all areas
- 23 See previous note
- 24 Congress has pledged all party support for prohibition (December 2007); legislation which would prohibit in all settings under discussion (2008)
- 25 Prohibited by Decree, but not in law
- 26 Commitment confirmed to Council of Europe Commissioner for Human Rights (June 2008)
- 27 Prohibited in 1997 Constitution, but not confirmed in law
- 28 Prohibition in private institutions unconfirmed
- 29 Commitment to prohibition stated December 2007
- 30 Government stated commitment to full prohibition in 2005, expected to be included in new Family Code for public debate January/February 2007
- 31 But no explicit prohibition
- 32 Government stated intention to explicitly prohibit in the home during 2004 drafting of domestic violence law; as at January 2007, draft Family Bill which would prohibit in the home under discussion
- 33 Prohibited in day care centres and residential schools
- 34 As for Afghanistan (note 1)
- 35 Prohibited by ministerial circular, but not in law
- 36 Prohibited in prisons, but lawful in other penal institutions
- 37 Government stated commitment to prohibition in August 2005
- 38 Bill which would prohibit in all settings, including the home, under discussion in parliament (May 2008)
- 39 Bill S-209 which would repeal section 43 of the Criminal Code allowing the use of force "by way of correction" was dropped in September 2008 due to October election, but new or amended bill expected to be introduced in the new parliament; Standing Senate Committee on Human Rights recommended repeal of the defence by 2009; 2004 Supreme Court ruling upheld parents' right to administer corporal punishment to children aged 2-12 years, but not using objects and not involving slaps or blows to the head
- 40 2004 Supreme Court ruling limited use of force by teachers to restraint and removal and excluded corporal punishment; as at May 2008, this not confirmed in legislation relating to private schools, or to any schools in Alberta, Manitoba and Ontario
- 41 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

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Nicaragua ⁴²	✗	✓	✓	✓	✗
Philippines ⁴³	✗	✓	✓	✓	SOME ⁴⁴
Republic of Moldova ⁴⁵	✗	✓	✓	✓ ⁴⁶	✗
South Africa ⁴⁷	✗	✓	✓	✓	✓
Switzerland ⁴⁸	✗ ⁴⁹	✓ ⁵⁰	✓	✓	✓

Others – 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	✗	✓	✓	✓ ⁵¹	✗
Algeria	✗	✓	✓	[✗]	✗
Andorra	✗	✓ ⁵²	✓	✓	✗
Angola	✗	✓	[✓]	✗	✗
Antigua & Barbuda	✗	✗	✗	✗	✗
Argentina	✗	✗	✓	✗	✗
Armenia	✗	✓	✓	✓	✗
Australia	✗ ⁵³	SOME ⁵⁴	✓	SOME ⁵⁵	SOME ⁵⁶
Azerbaijan	✗	✓	✓	✓	✗
Bahamas	✗	✗	[✓]	[✓]	✗
Bahrain	✗	✓	✓	??	✗
Barbados	✗	✗	✗	✗	[SOME] ⁵⁷

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

43 Bills which would prohibit all corporal punishment, including by parents, have been filed but as at May 2008 not scheduled for public hearing

44 Prohibited in residential institutions and day care centres

45 Proposed draft amendments to various laws which would prohibit all corporal punishment have been submitted to government (May 2008)

46 But no explicit prohibition

47 Clause which would prohibit in the home was removed from Children's Bill pending further investigation (2007); it is expected to be reintroduced to parliament in a proposed Amendment Bill in 2009

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

49 2003 Federal Court ruling stated repeated and habitual corporal punishment unacceptable, but did not rule out right of parents to use corporal punishment

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

51 But no explicit prohibition

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

53 In 2003, Law Reform Institute in Tasmania recommended abolition of "reasonable correction" defence from criminal and civil law; as at May 2008, no changes in the law had been made; 2002 law in New South Wales prohibits force to head or neck of child and to any part of the body where likely to cause harm lasting more than a short period

54 Prohibited in state schools and independent schools in Australian Capital Territory, Tasmania and Victoria; prohibited by ministerial guidelines in New South Wales and by policy in Queensland and Western Australia but "reasonable chastisement" defence available

55 "Reasonable chastisement" defence potentially available in Queensland and Tasmania

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

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

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Belarus	✗	✓ ⁵⁸	✓	✓ ⁵⁹	SOME ⁶⁰
Belgium	✗	✓ ⁶¹	✓	✓	SOME ⁶²
Belize	✗	✗ ⁶³	✓	SOME ⁶⁴	SOME ⁶⁵
Benin	✗	✗ ⁶⁶	✓	[✓]	✗
Bolivia	✗	✗ ⁶⁷	SOME ⁶⁸	✗	✗
Bosnia & Herzegovina	✗	✓ ⁶⁹	✓	✓	✗
Botswana	✗	✗	✗ ⁷⁰	✗	✗
Brunei Darussalam	✗	✗	✗	✗	✗
Burkina Faso	✗	✓	✓	✓	SOME ⁷¹
Burundi	✗	✗	✓	✗	✗
Cambodia	✗	✓	✓	✓	✗ ⁷²
Cameroon	✗	✓	✓	✓	✗
Cape Verde	✗	✗ ⁷³	✓	✓	[✓]
Central African Republic	✗	✗	??	??	??
Chad	✗	✗	✓	✗	✗
Chile	✗	✗ ⁷⁴	✓	✓	✗
China	✗	✓	✓	✓	??
Colombia	✗	✗ ⁷⁵	SOME ⁷⁶	✗ ⁷⁷	✗
Comoros	✗	✗	[✓] ⁷⁸	✗	✗
Congo, Republic of	✗	[✓]	✓	✗	✗
Cook Islands	✗	✗	✓	✗	✗
Cote d'Ivoire	✗	✗ ⁷⁹	✓	✓	✗
Cuba	✗	✗	✓	✗	✗
Dem. People's Rep. of Korea	✗	✗ ⁸⁰	✓	✓	??
Democratic Republic of Congo	✗	✓	✓	SOME ⁸¹	✗

58 But no explicit prohibition

59 But no explicit prohibition

60 Considered unlawful in boarding institutions but there is no explicit prohibition in foster care

61 But no explicit prohibition

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

63 Draft Education Rules which would prohibit in state schools under discussion (July 2008)

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

65 Prohibited in residential care facilities and in day care centres

66 Prohibited in formal education by government circular

67 Prohibited by regulation

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

69 No explicit prohibition, but unlawful under child protection laws

70 As at May 2008, draft Children's Act would prohibit judicial corporal punishment of children but this would not apply to customary courts

71 Prohibited in institutions; not prohibited in foster care

72 Prohibited in minimum standards but not in legislation

73 Prohibited by Ministry of Education guidelines

74 But corporal punishment resulting in injury is prohibited

75 But corporal punishment resulting in injury is prohibited

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

77 See note 75

78 Possibly lawful under Shari'a law

79 Prohibited by ministerial circular

80 Prohibited by policy

81 Prohibited in Antoinette Sassou-Nguessou Re-education Centre

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Djibouti	✗	[✓]	??	✗	??
Dominica	✗	✗	✗	✗	✗
Dominican Republic	✗	✓	✓	✗	✗
Ecuador	✗	✓	SOME ⁸²	✗	SOME ⁸³
Egypt	✗	✓	✓	✓ ⁸⁴	✗
El Salvador	✗	✓	✓	✓	??
Equatorial Guinea	✗	✗	??	??	✗
Eritrea	✗	✗ ⁸⁵	✗ ⁸⁶	??	✗
Ethiopia	✗	✓	✓	✓	SOME ⁸⁷
Fiji	✗ ⁸⁸	✓ ⁸⁹	✓ ⁹⁰	✓	✗
France	✗	✗ ⁹¹	✓	✓ ⁹²	✗
Gabon	✗	✓	??	??	??
Gambia	✗	✗ ⁹³	✓	✗ ⁹⁴	✗
Georgia	✗ ⁹⁵	✓ ⁹⁶	✓	✓	SOME ⁹⁷
Ghana	✗	✗	✓	✗	✗
Grenada	✗	✗	✗	✗	SOME ⁹⁸
Guatemala	✗	✗	SOME ⁹⁹	✗	✗
Guinea	✗	✓	[✗]	??	✗
Guinea-Bissau	✗	✓	✓	✓	??
Guyana	✗	✗ ¹⁰⁰	✗	✗	✗ ¹⁰¹
Haiti	✗ ¹⁰²	✓	✓	✓	✓
Honduras	✗	✓	✓	✗	✗

82 Prohibited in state law but permitted under traditional law in indigenous communities

83 Prohibited in institutions but lawful in other childcare settings

84 But possibly permitted in social welfare institutions

85 Prohibited by policy

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

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

88 In 2006, prime minister and other high level offices called for prohibition, but as at May 2008 no progress towards legal reform

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

90 See previous note

91 1889 High Court ruling allowed "right to correction" for teachers; 2000 ruling stated that habitual and non-educational corporal punishment not covered by this

92 But no explicit prohibition

93 Possibly prohibited in 2005 Children's Act

94 See previous note

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

96 But no explicit prohibition

97 Prohibited in institutional care establishments

98 Prohibited in child care homes by licensing requirements

99 Prohibited in state laws but permitted in traditional justice systems

100 Motion calling for prohibition pending before parliament (July 2007)

101 Prohibited in childcare and childminding services in Children's Bill, as at 2007 not in force

102 Possibly prohibited by 2001 law, but no unequivocal confirmation

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 ¹⁰³	✗	SOME ¹⁰⁴	SOME ¹⁰⁵	✗ ¹⁰⁶	✗
Indonesia	✗	✗	SOME ¹⁰⁷	✗	✗
Iran, Islamic Republic of	✗	✓	✗	✗	✗
Iraq	✗	✓	✓	??	??
Jamaica	✗	SOME ¹⁰⁸	✓	✓	✓
Japan	✗ ¹⁰⁹	✓ ¹¹⁰	✓	✓	✗
Jordan	✗	✓	✓	✓	[✓]
Kazakhstan	✗	SOME ¹¹¹	✓	✓	SOME ¹¹²
Kenya	✗	✓	✓	✗ ¹¹³	✗ ¹¹⁴
Kiribati	✗	✓ ¹¹⁵	✗ ¹¹⁶	✗	✗
Kuwait	✗	✓	✓ ¹¹⁷	✗	??
Kyrgyzstan	✗	✓	✓	✓	SOME ¹¹⁸
Lao People's Democratic Rep.	✗	✓	✓	✓	✗
Lebanon	✗	✗ ¹¹⁹	✓	✓	✗
Lesotho	✗	✗ ¹²⁰	✗ ¹²¹	✗	✗
Liberia	✗	✗	✓	✗	✗
Libyan Arab Jamahiriya	✗	✓	✗	??	??
Liechtenstein	✗	✓	✓	✓	SOME ¹²²
Madagascar	✗	✗	✓	??	✗
Malawi	✗	✓ ¹²³	✓ ¹²⁴	✓ ¹²⁵	SOME ¹²⁶
Malaysia	✗	✗	✗ ¹²⁷	✗ ¹²⁸	✗
Mali	✗	✓	✓	✓ ¹²⁹	✗

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

104 Prohibited in eight states/territories; National Policy on Education recommends prohibition; 2005 National Plan of Action for Children includes goal of prohibition in schools; Right to Education Bill (2005) would prohibit but as at March 2008 not in force

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

106 2005 National Plan of Action for Children includes goal of prohibition in relation to children in difficult circumstances

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

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

109 But prohibited in Kawasaki City by local ordinance

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

111 Prohibited in regular schools but not in military schools

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

113 Prohibited in draft Constitution (May 2008)

114 See previous note

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

116 Government committed to prohibition (2006)

117 But reintroduction possibly proposed

118 Prohibited in residential institutions

119 Government committed to law reform (2006)

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

121 Prohibited in Child Protection and Welfare Bill, under discussion May 2008

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

123 Prohibited in Constitution

124 Prohibited in Constitution, but permitted in other legislation

125 See previous note

126 Prohibited in state institutions by Constitution

127 Government committed to prohibition (2007)

128 See previous note

129 But no explicit prohibition

Prohibition incomplete and no commitment to reform *contd.*

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Malta	✗	✓ ¹³⁰	✓	✓	✗
Marshall Islands	✗	✓	✓	✓	✗
Mauritania	✗	✗ ¹³¹	?? ¹³²	✗	✗
Mauritius	✗	✓	✓	✗	✗
Mexico	✗ ¹³³	✗ ¹³⁴	✓	✗	✗
Micronesia, Federated States	✗	[✓]	✓	✗	✗
Monaco	✗	✓ ¹³⁵	✓	✓ ¹³⁶	✗
Mongolia ¹³⁷	✗	✓	✓	✗	✗
Montenegro	✗	✓	✓	✓	✗
Morocco	✗	✗ ¹³⁸	✓	✓	✗ ¹³⁹
Mozambique	✗	✗ ¹⁴⁰	✓	✓ ¹⁴¹	✗
Myanmar	✗	✗ ¹⁴²	✓ ¹⁴³	✗	✗
Namibia	✗	✓	✓	✓ ¹⁴⁴	SOME ¹⁴⁵
Nauru	✗	??	SOME ¹⁴⁶	✗	??
Niger	✗	✗	[✓]	[✗]	✗
Nigeria	✗	✗	SOME ¹⁴⁷	[✗]	✗
Niue	✗	??	✓	??	??
Oman	✗	✓	??	✗	✗
Palau	✗	✗	✓	✗	✗
Palestine	✗	SOME ¹⁴⁸	✗	✗	✗
Panama	✗	✗	✓	✓	✗
Papua New Guinea	✗	✗ ¹⁴⁹	✓	✓	SOME ¹⁵⁰
Paraguay	✗	✗ ¹⁵¹	✓	✓	✗
Qatar	✗	✗ ¹⁵²	✗	✗	✗
Republic of Korea	✗	✗	✓	✓	✗

130 But no explicit prohibition

131 Prohibited by Ministerial Order

132 Possibly lawful under Islamic law

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

134 Except possibly in Sonora

135 But no explicit prohibition

136 But no explicit prohibition

137 Draft legislation to amend Family Law to prohibit due for consideration in parliament late 2008

138 Prohibited by ministerial direction

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

140 Prohibited by government directive

141 Prohibited in 2008 Children's Act, due to come into force October 2008

142 Prohibited by government directive

143 But some legislation not amended/repealed

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

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

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

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

148 Prohibited in UNRWA schools; prohibited by ministerial direction in public schools

149 Prohibited by government directive but not in legislation

150 2007 Lukautim Pikinini (Child Welfare) Act prohibits corporal punishment of children "in the care of the Director", but whether this covers all possible alternative care settings unconfirmed

151 Legislation protects dignity but does not explicitly prohibit corporal punishment

152 Prohibited by Ministerial Decree

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Russian Federation	✗	✓	✓	✓	✗
Rwanda	✗	✗ ¹⁵³	✓	✓	✗
Saint Kitts & Nevis	✗	✗	✗	✗	✗
Saint Lucia	✗	✗	✓	✗	✗
Saint Vincent & Grenadines	✗	✗	✗	✗	✗
Samoa	✗	✗ ¹⁵⁴	✓	[✓]	✗
San Marino	✗	✓	✓	✓	✗
Sao Tome & Principe	✗	[✓]	SOME ¹⁵⁵	??	✗
Saudi Arabia	✗	✗ ¹⁵⁶	✗	✗	✗
Senegal	✗	✓	✓	SOME ¹⁵⁷	✗
Seychelles	✗	✗ ¹⁵⁸	✓	[✓]	[✓]
Sierra Leone	✗ ¹⁵⁹	✗ ¹⁶⁰	✓	✗	✗
Singapore	✗	✗	✗	✗	SOME ¹⁶¹
Solomon Islands	✗	✗	✓	✗	✗
Somalia	✗	✗	✗ ¹⁶²	✓	✗
Sudan	✗ ¹⁶³	SOME ¹⁶⁴	✗	SOME ¹⁶⁵	SOME ¹⁶⁶
Suriname	✗	[✓]	✓	✓	✗
Swaziland	✗	✗ ¹⁶⁷	✗ ¹⁶⁸	✗ ¹⁶⁹	✗ ¹⁷⁰
Syrian Arab Republic	✗	✗ ¹⁷¹	✓	??	✗
Tajikistan	✗	✗	✓	✗	✗
Thailand	✗	✓	✓ ¹⁷²	✓ ¹⁷³	✗
TFYR Macedonia	✗	✓	✓	✓	✓
Timor-Leste, Democratic Rep.	✗	✗ ¹⁷⁴	✓	✓	✗ ¹⁷⁵

153 Legislation in preparation (2005)

154 Prohibited by policy; possibly prohibited in the Education Bill (2006), as at May 2008 not in force

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

156 Prohibited by ministerial circulars

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

158 Prohibited by policy

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

160 See previous note

161 Prohibited in child care centres

162 Ordered by Islamic courts

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

164 1993 School Regulations prohibit for girls but allow four lashes for boys; prohibited in 2005 Interim Constitution of Southern Sudan; prohibited in Child Bill (2007) of Southern Sudan under discussion in the Legislative Assembly (May 2008); possibly prohibited in draft Children's Act under discussion in Northern Sudan (May 2008)

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

166 See previous note

167 Proposals have been made to prohibit in draft legislation

168 See previous note

169 See note 167

170 See note 167

171 Ministry of Education advises against its use

172 But some legislation not amended (May 2008)

173 See previous note

174 Government committed to prohibition (2005)

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

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Togo	✗	✓	SOME ¹⁷⁶	✓	SOME ¹⁷⁷
Tonga	✗	✓	✗	✗	✗
Trinidad & Tobago	✗	✗ ¹⁷⁸	✓	✗	✗ ¹⁷⁹
Tunisia	✗	✗ ¹⁸⁰	✓	✓	✗
Turkey	✗	✓	✓	✓	✗
Turkmenistan	✗ ¹⁸¹	✓	✓	✓	✗ ¹⁸²
Tuvalu	✗	✗	✓	✗	✗
Uganda	✗ ¹⁸³	✗ ¹⁸⁴	✓	✓	✗ ¹⁸⁵
United Arab Emirates	✗	✓	✗	✗	✗
United Kingdom	✗ ¹⁸⁶	✓	✓	✓ ¹⁸⁷	SOME ¹⁸⁸
United Republic of Tanzania	✗	✗	✗	✗	✗
United States of America	✗	SOME ¹⁸⁹	✓	SOME ¹⁹⁰	SOME ¹⁹¹
Uzbekistan	✗	✓	✓ ¹⁹²	✓	✗
Vanuatu	✗	✓	SOME ¹⁹³	[✓]	✗
Viet Nam	✗	✗	✓	✓	✗
Western Sahara	✗	[✗]	[✓]	[✓]	[✗]
Yemen	✗ ¹⁹⁴	✓	✗	✗	✗ ¹⁹⁵
Zambia	✗	✓ ¹⁹⁶	✓ ¹⁹⁷	✓ ¹⁹⁸	✗ ¹⁹⁹
Zimbabwe	✗	✗	✗	✗	✗

176 Prohibited in state legislation but used in traditional courts

177 Prohibited in institutions

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

179 Prohibited in health care and psychiatric institutions by policy

180 Prohibited by ministerial circular

181 2002 Rights of the Child (Guarantees) Act prohibits corporal punishment considered to be harmful

182 See previous note

183 Recommendations have been made to include prohibition in draft Child Law (May 2008)

184 Prohibited in state schools by ministerial circular; possibly prohibited in Education Bill (May 2008); see previous note

185 See note 183

186 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

187 Rules allowing painful "distraction" techniques to maintain discipline in secure training centres declared unlawful by Court of Appeal (July 2008)

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

189 Prohibited in public and private schools in Iowa and New Jersey, and in public schools in a further 27 states and District of Columbia

190 Prohibited in 31 states

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

192 But possibly permitted under mahallyas system

193 Used in rural areas for punishment of children found to have broken village or custom rules

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

195 See previous note

196 But no explicit prohibition; prohibited in draft Constitution (May 2008)

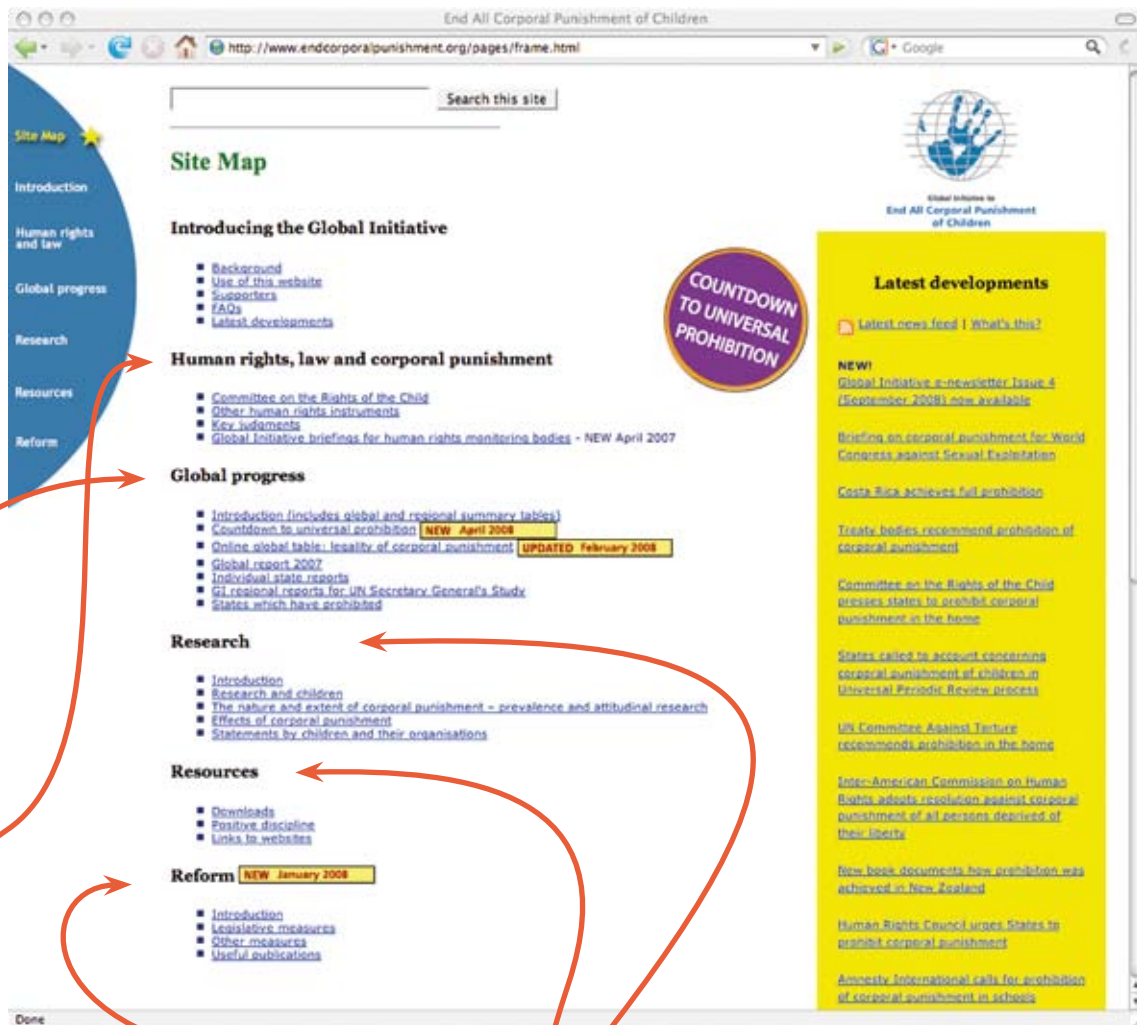
197 Ruled unconstitutional by Supreme Court in 1999, but as at May 2008 some legislation not amended

198 See previous note; prohibited in draft Constitution (May 2008)

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

Global Initiative website: www.endcorporalpunishment.org

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



Human rights, law and corporal punishment

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

Global progress

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

Research

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

Resources

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

Reform

additional resources relating to prohibition to supplement the legal reform handbook

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 third Global Report reviews progress towards prohibition of corporal punishment and deliberate humiliation of children throughout the world, in the context of the UN Secretary General's Study on Violence against Children.



Young people speaking during campaign in Venezuela

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

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:
www.endcorporalpunishment.org
email: info@endcorporalpunishment.org



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:
www.savethechildren.se email: info@rb.se