

Ending violent punishment of girls: essential for their right to education

Submission to the Committee on the Elimination of Discrimination Against Women's half-day of general discussion on girls'/women's right to education

June 2014

Global Initiative to End All Corporal Punishment of Children

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

Summary

Legal protection from all corporal punishment, in the family home and all other settings, is girls' and boys' right. International law requires states to prohibit and eliminate corporal punishment. School corporal punishment hinders access to education, perpetuates other kinds of violence in schools, impedes learning and is incompatible with education which promotes human rights. We therefore hope that the Committee on the Elimination of Discrimination Against Women's General Recommendation on Girls'/Women's Right to Education will highlight the human rights imperative to prohibit corporal punishment in schools and all other settings.

The human rights imperative to prohibit all corporal punishment

"With these two hands my mother holds me, cares for me, this I love. But with these two hands, my mother hits me – this I hate." Girl, East Asia and the Pacific¹

"[C]orporal punishment is inconsistent with the fundamental guiding principle of international human rights law enshrined in the Preambles to the Universal Declaration of Human Rights and both Covenants: the dignity of the individual." Committee on Economic, Social and Cultural Rights, General Comment No. 13, 1999²

Corporal punishment of girls and boys is the most common form of violence against them. It is experienced by a majority of children in all world regions. Violent punishment directly violates girls' and boys' rights to freedom from violence and to respect for their physical integrity and human dignity and, in schools, it violates their right to education.

Prohibiting and eliminating all corporal punishment of children, in all settings of their lives including the family home, is an obligation under international human rights law. Article 19 of the **Convention on the Rights of the Child** requires states parties to protect children from all forms of physical or mental violence and article 28(2) requires states to ensure that school discipline is administered in a manner consistent with children's human dignity. The Committee on the Rights of the Child has long made it clear that these and other articles of the Convention require prohibition of all corporal punishment in all settings – the home, schools, penal systems and alternative care settings. In its General Comment No. 1 (2001) on the aims of education, it highlighted that corporal punishment does not respect the inherent dignity of the

¹ Pinheiro, P. S. (2006), *World Report on Violence Against Children*, UN Secretary General's Study on Violence Against Children, p. 116.

² Committee on Economic, Social and Cultural Rights (1999) *General Comment No. 13: The right to education (article 13 of the Covenant)*, para. 41

child nor the strict limits on school discipline required by the Convention.³ 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 punishment⁴ the Committee consolidated and confirmed the obligation to prohibit all corporal punishment and it systematically recommends prohibition in its concluding observations.⁵

The Committee on the Elimination of Discrimination against Women has made it clear that the **Convention on the Elimination of All Forms of Discrimination against Women** requires that women are protected against violence of any kind in the family and elsewhere,⁶ and that laws against family violence give adequate protection to all women.⁷ The Committee has recommended prohibition of corporal punishment of children to some states in its concluding observations on state party reports.⁸

The monitoring bodies of other international treaties, including the **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**, the **International Covenant on Civil and Political Rights** and the **International Covenant on Economic, Social and Cultural Rights** and of regional human rights instruments increasingly recommend prohibition of corporal punishment. The issue is regularly raised in the **Universal Periodic Review** of states' overall human rights records.⁹

Widespread recognition of the human rights imperative to prohibit all corporal punishment has led to accelerating progress towards universal prohibition. As at June 2014, 37 states have prohibited corporal punishment in all settings of children's lives including the family home, and a majority of states (121) have prohibited all school corporal punishment. But much remains to be done. Corporal punishment remains lawful in schools in 77 states, and in 161 states, violent punishment can lawfully be inflicted on girls and boys in the family home. See the Annex for details of the legality of corporal punishment in schools and the family home in all states worldwide.

Prohibition of corporal punishment is key for girls' access to education

"We don't like it when we are tortured by our teacher with her stick." Girl, Afghanistan¹⁰

"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, 2006¹¹

³ Committee on the Rights of the Child (2001), *General Comment No. 1: Article 29 (1): The Aims of Education*

⁴ Committee on the Rights of the Child (2006), *General Comment No. 8: 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)*

⁵ All concluding observations relating to corporal punishment can be found at www.endcorporalpunishment.org

⁶ Committee on the Elimination of Discrimination against Women (1989), *General Recommendation No. 12: Violence against women*

⁷ Committee on the Elimination of Discrimination against Women (1992), *General Recommendation No. 19: Violence against women*

⁸ For example, Botswana (26 March 2010, CEDAW/C/BOT/CO/3, Concluding observations on initial to third report, paras. 31 and 32), Guyana (7 August 2012, CEDAW/C/GUY/CO/7-8, Concluding observations on seventh/eighth report, paras. 28 and 29), Sierra Leone (28 February 2014, CEDAW/C/SLE/CO/6, Concluding observations on sixth report, paras. 28 and 29), Slovakia (18 July 2008, Part of A/63/38, Concluding observations on second-fourth report, paras. 34 and 35), Timor Leste (7 August 2009, CEDAW/C/TLS/CO/1, Concluding observations on initial report, paras. 35 and 36), Tuvalu (7 August 2009, CEDAW/C/TUV/CO/2, Concluding observations on initial/second report, paras. 39 and 40) and the UK (18 July 2008, Part of A/63/38, Concluding observations on fifth/sixth report, paras. 280 and 281; 30 July 2013, CEDAW/C/GBR/CO/7, Concluding observations on seventh report of UK, paras. 34 and 35)

⁹ See the Global Initiative website, www.endcorporalpunishment.org, for more information

¹⁰ Abdul Ahad Samoon, A.A, Hassanzai, Y., Aqdas, R. & Hakamy, P. (2011), *Learning without Fear: A Violence Free School Project, Save the Children & Federal Republic of Germany Foreign Office*

¹¹ Committee on the Rights of the Child (2006), op cit, para. 3

As well as being a right in itself, legal protection from corporal punishment is essential to fulfil girls' right to access education. Article 10 of the **Convention on the Elimination of All Forms of Discrimination against Women** explicitly requires states to ensure the reduction of drop-out rates for girls, and the concept note for the half-day of general discussion highlights that states must remove obstacles that may hinder the right of women and children to education. School corporal punishment is a barrier to accessing education. Corporal punishment is often a reason given by girls and boys for not attending or for dropping out of school.¹² Even when children continue to attend, corporal punishment creates an environment of fear, inhibiting learning and promoting a low level of education.¹³

The very high prevalence of corporal punishment in states in all regions gives an indication of the scale of this barrier to accessing education. A 2011 study in **Belgium** found that 42% of 10-18 year olds had been violently punished at school.¹⁴ In a 2009 study in **Dominica**, only 14% of the 6-16 year-old respondents had never been physically punished by a teacher.¹⁵ In **Fiji** in 2009, three-quarters of interviewees working in education said that teachers in their school physically punished children.¹⁶ A 2013 study in **Ghana, Kenya and Mozambique** found that large numbers of girls experienced punishments such as whipping and caning and that girls' last experience of corporal punishment usually took place at school.¹⁷ In a 2013 study in **Nepal**, a large majority of the children involved experienced corporal punishment at school and almost all had seen or heard corporal punishment at school.¹⁸ In the **USA**, corporal punishment continues to be inflicted on large numbers of children in schools.¹⁹ Children with disabilities are especially likely to be physically punished.²⁰ In 2006-2007, almost 50,000 girls were "paddled" (hit on the buttocks with a wooden paddle) in school, and African-American girls were more than twice as likely as white girls to be paddled.²¹

As well as hindering access to education in itself, the legality of corporal punishment contributes to other barriers to education. It reinforces hierarchical and patriarchal power structures which perpetuate concepts of girls' and women's inferiority to men and children's inferiority to adults and promote the idea that it is acceptable for those with perceived higher social status to inflict violence on those perceived to be subservient. The widespread legal and social acceptance of corporal punishment opens the way for and perpetuates other violence, including sexual violence, against girls by teachers and others in schools.

¹² Plan West Africa et al (2010), *Too often in silence: A report on school based violence in West and Central Africa*, UNICEF, Plan West Africa, Save the Children Sweden West Africa & ActionAid

¹³ Talwar, V. et al (2011) "Effects of a Punitive Environment on Children's Executive Functioning: A Natural Experiment", *Social Development*, 20(4):805-824

¹⁴ Kinderrechtencommissariaat (2011), *Geweld gemeld en geteld*, Brussels: Kinderrechtencommissaris

¹⁵ Le Franc, E. R. M. et al (2009), *Violence Against Children: An Evaluation of the Protective Environment – Participant Assessment Methodology: A Case Study In Dominica*, UNICEF Office for Barbados and the Eastern Caribbean & Government of Dominica

¹⁶ UNICEF & AusAid (2009), *Protect me with love and care: A Baseline Report for creating a future free from violence, abuse and exploitation of girls and boys in Fiji*, Suva: UNICEF Pacific

¹⁷ ActionAid International (2013), *Stop Violence Against Girls in School: A cross-country analysis of change in Ghana, Kenya and Mozambique*, Johannesburg: Action Aid

¹⁸ Sanchar, H. et al (2013), *Physical Punishment at School: a Study (Summary)*, Save the Children Norway

¹⁹ Office for Civil Rights (2012), *Civil Rights Data Collection March 2012*, Washington DC: Office for Civil Rights

²⁰ Human Rights Watch and American Civil Liberties Union (2009), *Impairing Education: Corporal Punishment of Students with Disabilities in US Public Schools*, NY: Human Rights Watch

²¹ Human Rights Watch & American Civil Liberties Union (2008), *A Violent Education: Corporal Punishment of Children in US Schools*, NY: Human Rights Watch

Corporal punishment is incompatible with an education which promotes human rights

“She [the teacher] knows she is doing wrong, but she feels impunity. She will go unpunished and she knows this.” Girl, 15, Europe²²

“Children do not lose their human rights by virtue of passing through the school gates.... [C]hildren should ... learn about human rights by seeing human rights standards implemented in practice, whether at home, in school, or within the community. Human rights education should be a comprehensive, life-long process and start with the reflection of human rights values in the daily life and experiences of children.” Committee on the Rights of the Child General Comment No. 1, 2001²³

The **Universal Declaration of Human Rights** states that education must aim, inter alia, to strengthen respect for human rights and fundamental freedoms. The **International Covenant on Economic, Social and Cultural Rights**, the **Convention on the Rights of the Child** and the **Convention on the Rights of Persons with Disabilities** all reiterate this. The **Convention on the Elimination of All Forms of Discrimination against Women** requires that education promote gender equality through the elimination of any stereotyped concept of the roles of men and women and General Recommendations Nos. 3 and 19 reinforce this. The concept note for the half-day of general discussion highlights that states have a duty to ensure that human rights are included in all educational curricula to promote tolerance, observance of human rights, non-discrimination and acceptance of others and peace.

The concept note for the half-day of general discussion highlights that education must be available, accessible and acceptable and emphasises that protecting the safety of the educational environment, including ending violence in schools, is key in fulfilling girls’ rights within education. The contradictions of purporting to teach human rights and gender equality while allowing children to continue to be physically punished are obvious. A school in which children are subjected to corporal punishment can never be a safe or violence-free environment and cannot provide an education that is acceptable under international human rights standards. The legality of any level of corporal punishment of children in any setting of their lives is incompatible with an education which promotes respect for human rights.

Indicators of progress towards ending corporal punishment are well-developed

The concept note for the half-day of general discussion notes that the use of indicators is critical in assessing the effectiveness of government policies and programs for advancing equitable education for women and girls. Prohibition of all corporal punishment is a clear and well-developed measure. The Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org) has documented the legal status of corporal punishment in all states and territories worldwide. Progress towards the elimination of corporal punishment in the family home is also widely documented: data from UNICEF’s Multiple Indicator Cluster Surveys provide internationally comparable indicators of the prevalence of corporal punishment in around a quarter of the world’s countries.²⁴

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June 2014

²² Pinheiro, P. S. (2006), op cit, p. 117

²³ Committee on the Rights of the Child (2001), op cit, paras. 8, 15

²⁴ UNICEF (2014), *The State of the World’s Children 2014 in Numbers: Every Child Counts*, NY: UNICEF

Annex: Global progress towards prohibiting all corporal punishment in schools

Prepared by the Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org), June 2014

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. For further details on all states see the individual state reports at www.endcorporalpunishment.org.

1 States which have fully prohibited corporal punishment

The following 37 states have prohibited corporal punishment in all schools and in all other settings, including the home:

Albania	Iceland	Romania
Austria	Israel	Spain
Bulgaria	Kenya	South Sudan
Congo, Republic of	Latvia	Sweden
Costa Rica	Liechtenstein	TFYR Macedonia
Croatia	Luxembourg	Togo
Cyprus	Malta	Tunisia
Denmark	Netherlands	Turkmenistan
Finland	New Zealand	Ukraine
Germany	Norway	Uruguay
Greece	Poland	Venezuela
Honduras	Portugal	
Hungary	Republic of Moldova	

2 States committed to full prohibition and have prohibited in schools

The following 28 states have prohibited corporal punishment in all schools and are committed to achieving prohibition in all other settings, including the home:

Afghanistan²⁵

Algeria²⁶

Armenia²⁷

Azerbaijan²⁸

Bangladesh²⁹

Belize³⁰

Bolivia³¹

Cape Verde³²

Ecuador³³

El Salvador³⁴

Estonia³⁵

Lithuania³⁶

Mauritius³⁷

Mongolia³⁸

Montenegro³⁹

Nicaragua⁴⁰

Peru⁴¹

Philippines⁴²

San Marino⁴³

Sao Tome and

Principe⁴⁴

Serbia⁴⁵

Slovakia⁴⁶

Slovenia⁴⁷

South Africa⁴⁸

Tajikistan⁴⁹

Thailand⁵⁰

Turkey⁵¹

Zambia⁵²

²⁵ Commitment to prohibition in all settings, including the home, made at July 2006 meeting of South Asia Forum, following 2005 UN Study on Violence against Children regional consultation

²⁶ Government accepted UPR recommendation to prohibit in all settings (2012)

²⁷ Government accepted UPR recommendation to prohibit (2010); draft legislation which would prohibit under discussion (2014)

²⁸ Government accepted UPR recommendations to prohibit (2009, 2013); draft legislation which would prohibit under discussion (2013)

²⁹ Commitment as for Afghanistan (see note 1); Government accepted UPR recommendation to prohibit (2009)

³⁰ Government accepted UPR recommendation to prohibit (2009)

³¹ Government accepted UPR recommendation to prohibit (2010); draft legislation which would prohibit under discussion (2014)

³² Government accepted UPR recommendations to prohibit in all settings (2008, 2013)

³³ Government accepted UPR recommendation to prohibit in all settings (2012)

³⁴ Government accepted UPR recommendation to prohibit in all settings (2010)

³⁵ Government accepted UPR recommendation to prohibit (2011); draft legislation which would prohibit under discussion (2014)

³⁶ Government stated intention to prohibit to UN Committee on the Rights of the Child (2006); Government accepted UPR recommendation to prohibit in the home (2011); draft legislation under discussion (2014)

³⁷ Bill which would prohibit under discussion (2014)

³⁸ Government accepted UPR recommendation to prohibit (2010); legislation which would prohibit being drafted (2014)

³⁹ Government accepted UPR recommendations to prohibit in all settings (2013)

⁴⁰ Government accepted UPR recommendations to prohibit in all settings (2010, 2014); right of correction removed from Penal Code in 2012; legislation which would prohibit under discussion (2014)

⁴¹ Congress pledged all party support for prohibition (2007); Government accepted UPR recommendation to prohibit in all settings (2012); draft legislation which would prohibit under discussion (2013)

⁴² Government accepted UPR recommendation to prohibit in the home and other settings (2012); bill which would prohibit under discussion (2013)

⁴³ Government accepted UPR recommendation to prohibit (2010)

⁴⁴ Government accepted UPR recommendation to prohibit in all settings (2011)

⁴⁵ Government accepted UPR recommendations to prohibit in the home and all settings (2008, 2013)

⁴⁶ Government accepted UPR recommendation to prohibit in all settings (2009); prohibition under discussion (2014)

⁴⁷ Government accepted UPR recommendation to prohibit (2010); draft legislation which would prohibit under discussion (2013)

⁴⁸ Government accepted UPR recommendation to prohibit in the home (2012); prohibition under discussion (2014)

⁴⁹ Government accepted UPR recommendation to prohibit in all settings (2011); Government stated legislation is being improved to prohibit corporal punishment in the family and education settings (2012)

⁵⁰ Government accepted UPR recommendations to prohibit in all settings (2012)

⁵¹ Government accepted UPR recommendation to prohibit (2010)

⁵² Government accepted UPR recommendation to prohibit in all settings (2012); draft Constitution would prohibit in the home, schools and other institutions (2013)

3 States committed to full prohibition and have not yet prohibited in schools

The following 18 states have expressed a commitment to prohibition in all settings but have not yet achieved prohibition in all schools:

State	Prohibited in schools	State	Prohibited in schools	State	Prohibited in schools
Benin ⁵³	NO ⁵⁴	Nepal ⁶⁶	NO	Sri Lanka ⁷⁶	NO ⁷⁷
Bhutan ⁵⁵	NO ⁵⁶	Niger ⁶⁷	NO ⁶⁸	Timor-Leste ⁷⁸	NO
Brazil ⁵⁷	NO	Pakistan ⁶⁹	SOME ⁷⁰	Uganda ⁷⁹	NO ⁸⁰
Burkina Faso ⁵⁸	SOME ⁵⁹	Palau ⁷¹	NO	Zimbabwe ⁸¹	NO
India ⁶⁰	SOME ⁶¹	Panama ⁷²	NO		
Maldives ⁶²	NO ⁶³	Papua New Guinea ⁷³	NO		
Morocco ⁶⁴	NO ⁶⁵	Samoa ⁷⁴	SOME ⁷⁵		

⁵³ Government accepted UPR recommendation to prohibit in all settings (2012); draft legislation which would prohibit under discussion (2014)

⁵⁴ Government circular advises against corporal punishment but no prohibition in law

⁵⁵ Commitment to prohibition in all settings, including the home, made at July 2006 meeting of South Asia Forum, following 2005 UN Study on Violence against Children regional consultation

⁵⁶ Code of Conduct and ministerial directives state corporal punishment should not be used but no prohibition in law

⁵⁷ Amendments to Civil Code which would prohibit in all settings were passed by Parliament in June 2014 and are awaiting Presidential signature

⁵⁸ Draft legislation which would prohibit under discussion (2014)

⁵⁹ Prohibited in primary schools

⁶⁰ Commitment to prohibition in all settings confirmed in third/fourth report to UN Committee on the Rights of the Child (2011); Government accepted UPR recommendation to prohibit in all settings (2012)

⁶¹ Prohibited for 6-14 year olds except in Jammu and Kashmir; not prohibited in religious schools

⁶² Commitment to prohibition in all settings, including the home, made at July 2006 meeting of South Asia Forum, following 2005 UN Study on Violence against Children regional consultation

⁶³ Ministry of Education advises against corporal punishment but no prohibition in law

⁶⁴ Government accepted UPR recommendation to prohibit in all settings (2012)

⁶⁵ Ministerial direction advises against corporal punishment but no prohibition in law

⁶⁶ Commitment to prohibition in all settings, including the home, made at July 2006 meeting of South Asia Forum, following 2005 UN Study on Violence against Children regional consultation; 2005 Supreme Court ruling removed legal defence for corporal punishment by parents, guardians and teachers

⁶⁷ Draft legislation which would prohibit under discussion (2014)

⁶⁸ Ministerial Order states corporal punishment should not be used but no prohibition in law

⁶⁹ Commitment to prohibition in all settings, including the home, made at July 2006 meeting of South Asia Forum, following 2005 UN Study on Violence against Children regional consultation, confirmed in 2014 with launch by Government of national campaign for law reform; Bill which would prohibit under discussion (2014)

⁷⁰ Prohibited for 5-16 year olds in Islamabad Capital Territory, Sindh province and possibly Balochistan province

⁷¹ Government accepted UPR recommendation to prohibit (2011)

⁷² Government accepted UPR recommendation to prohibit (2010)

⁷³ Government accepted UPR recommendation to prohibit in all settings (2011)

⁷⁴ Government accepted UPR recommendation to prohibit in the home (2011)

⁷⁵ Prohibited in government schools for children aged 5-14

⁷⁶ Commitment to prohibition in all settings, including the home, made at July 2006 meeting of South Asia Forum, following 2005 UN Study on Violence against Children regional consultation

⁷⁷ Ministerial circular states corporal punishment should not be used but no prohibition in law; legislation to prohibit being drafted (2011)

⁷⁸ Government accepted UPR recommendation to prohibit (2011); draft legislation which would prohibit in all settings under discussion (2013)

⁷⁹ Bill which would prohibit all corporal punishment under discussion (2013)

⁸⁰ Ministerial circular advises against corporal punishment but no prohibition in law

⁸¹ Government accepted UPR recommendation to prohibit in all settings (2011)

4 States which are not committed to full prohibition of corporal punishment

The following 115 states have not expressed a commitment to prohibiting all corporal punishment of children:

State	Prohibited in schools	State	Prohibited in schools	State	Prohibited in schools
Andorra ⁸²	YES ⁸³	Central African Republic	NO	Equatorial Guinea	NO
Angola	NO	Chad ⁹⁰	YES	Eritrea	[NO] ⁹⁷
Antigua and Barbuda	NO	Chile	YES	Ethiopia	YES
Argentina ⁸⁴	YES ⁸⁵	China	YES	Fiji	YES ⁹⁸
Australia	SOME ⁸⁶	Colombia	[YES] ⁹¹	France ⁹⁹	YES ¹⁰⁰
Bahamas	NO	Comoros ⁹²	NO	Gabon	YES
Bahrain	YES	Cook Islands	YES	Gambia	NO
Barbados	NO	Cote d'Ivoire	NO ⁹³	Georgia	YES ¹⁰¹
Belarus ⁸⁷	[YES]	Cuba	[YES]	Ghana ¹⁰²	NO ¹⁰³
Belgium	YES ⁸⁸	Czech Republic	YES	Grenada	NO
Bosnia and Herzegovina	YES	Djibouti	[YES]	Guatemala ¹⁰⁴	NO
Botswana	NO	Dominica	NO		
Brunei	NO	Dominican Republic ⁹⁴	YES		
Darussalam ⁸⁹		DPR Korea	[NO] ⁹⁵		
Burundi	[YES]	DR Congo	YES		
Cambodia	YES	Egypt	[NO] ⁹⁶		
Cameroon	YES				
Canada	YES				

⁸² Government accepted UPR recommendation to prohibit in all settings (2010) but also stated corporal punishment already unlawful

⁸³ But no explicit prohibition

⁸⁴ Government accepted UPR recommendation to prohibit in all settings (2012) but also stated legislation already prohibits all forms of violence; draft legislation which includes prohibition under discussion (2013)

⁸⁵ But no explicit prohibition

⁸⁶ Prohibited in all states/territories except Queensland and Western Australia

⁸⁷ Government accepted UPR recommendation to prohibit (2010) but stated it had already been implemented and all corporal punishment is unlawful

⁸⁸ But no explicit prohibition

⁸⁹ Government accepted some UPR recommendations to prohibit but rejected others (2009)

⁹⁰ Government accepted UPR recommendation to prohibit (2009); recommendation to prohibit in 2013 UPR was rejected

⁹¹ But no explicit prohibition and application of law in indigenous communities unconfirmed

⁹² Government accepted one UPR recommendation to prohibit in the home and schools but rejected another similar recommendation (2009); draft legislation which would prohibit possibly under discussion (2014)

⁹³ Ministerial circular states corporal punishment should not be used but no prohibition in law

⁹⁴ Government accepted UPR recommendation to prohibit in all settings (2009) but also indicated that this had been already achieved; prohibiting legislation possibly being drafted (2014)

⁹⁵ Policy states corporal punishment should not be used but possibly no prohibition in law

⁹⁶ Ministerial directive states corporal punishment should not be used but possibly no prohibition in law

⁹⁷ Policy states corporal punishment should not be used but possibly no prohibition in law

⁹⁸ Ruled unconstitutional in 2002 High Court ruling but legislation still to be amended

⁹⁹ Government accepted UPR recommendation to prohibit in all settings (2013) but made a general statement that acceptance did not necessarily imply a commitment to further action but could imply a commitment to continue existing efforts or maintain measures already in place

¹⁰⁰ But no explicit prohibition and courts have recognised a "right of correction"

¹⁰¹ But no explicit prohibition

¹⁰² Government accepted UPR recommendations to prohibit in all settings (2008, 2012) but also defended "reasonable" punishment and in the context of reviewing the Constitution (2012) asserted that existing legislation adequately protects children

¹⁰³ Ministerial directive possible advises against corporal punishment but no prohibition in law

¹⁰⁴ Government accepted UPR recommendation to prohibit in the home (2008) and in all settings (2012) but has also said that corporal

State	Prohibited in schools
Guinea	NO ¹⁰⁵
Guinea-Bissau	[YES]
Guyana	NO ¹⁰⁶
Haiti	YES
Indonesia	NO
Iran	NO ¹⁰⁷
Iraq	NO
Ireland ¹⁰⁸	YES
Italy	YES
Jamaica	NO ¹⁰⁹
Japan ¹¹⁰	YES ¹¹¹
Jordan ¹¹²	YES
Kazakhstan	YES ¹¹³
Kiribati	YES

punishment is prohibited under existing law

¹⁰⁵ Ministerial circular possibly advises against corporal punishment but no prohibition in law

¹⁰⁶ Prohibition in Education Bill under discussion (2013)

¹⁰⁷ Government directive states corporal punishment should not be used but no prohibition in law

¹⁰⁸ Government "partially accepted" UPR recommendation to prohibit in the home (2011)

¹⁰⁹ Prohibited in early childhood centres ("basic schools"); prohibition in all schools under discussion (2013)

¹¹⁰ Government accepted UPR recommendations to prohibit all corporal punishment (2008, 2012), but denied that the legal "right to discipline" allowed for corporal punishment and stated that the law adequately protects children from "excessive" discipline (2012)

¹¹¹ Prohibited in 1947 School Education Law but 1981 Tokyo High Court judgment stated some physical punishment may be lawful in some circumstances

¹¹² Government accepted UPR recommendation to prohibit in all settings (2009) but stated that laws do not prescribe any form of corporal punishment and subsequently amended but did not repeal the parental right to discipline children according to "general custom"

¹¹³ But no explicit prohibition

State	Prohibited in schools
Kuwait ¹¹⁴	[YES]
Kyrgyzstan ¹¹⁵	YES
Lao PDR	YES
Lebanon	NO
Lesotho ¹¹⁶	NO
Liberia	NO
Libyan Arab Jamahiriya	YES
Madagascar	[YES]
Malawi	[YES] ¹¹⁷
Malaysia	NO
Mali	YES
Marshall Islands	NO
Mauritania	NO ¹¹⁸
Mexico	YES ¹¹⁹
Micronesia	[YES]
Monaco	YES ¹²⁰
Mozambique	NO ¹²¹
Myanmar	[NO] ¹²²
Namibia	YES
Nauru	NO

¹¹⁴ Government accepted UPR recommendation to prohibit (2010) but has since stated that corporal punishment is unlawful under existing law

¹¹⁵ Government accepted UPR recommendation to prohibit in all settings but also stated that corporal punishment is already unlawful (2010)

¹¹⁶ Government accepted UPR recommendation to abolish corporal punishment (2010), stating that it was in the process of implementation; subsequent law reform prohibited corporal punishment as a sentence for crime but not in the home or other settings

¹¹⁷ Prohibition in private schools unconfirmed

¹¹⁸ Ministerial Order states corporal punishment should not be used but no prohibition in law

¹¹⁹ But no explicit prohibition

¹²⁰ But no explicit prohibition

¹²¹ Government directive advises against corporal punishment but no prohibition in law

¹²² Government directive advises against corporal punishment but no prohibition in law

State	Prohibited in schools
Nigeria	NO
Niue	NO
Oman	YES
Palestine	SOME ¹²³
Paraguay ¹²⁴	NO
Qatar ¹²⁵	NO ¹²⁶
Republic of Korea ¹²⁷	SOME ¹²⁸
Russian Federation	YES
Rwanda ¹²⁹	YES ¹³⁰
Saudi Arabia ¹³¹	NO ¹³²

¹²³ Prohibited in UNRWA schools and in East Jerusalem; Ministerial direction advises against corporal punishment in public schools but no prohibition in law

¹²⁴ Draft legislation which would prohibit under discussion (2013)

¹²⁵ Government accepted some UPR recommendations to prohibit but rejected another similar one, stating that corporal punishment is already prohibited (2010)

¹²⁶ Code of Conduct for schools states corporal punishment should not be used but no prohibition in law

¹²⁷ Government accepted UPR recommendations to prohibit in all settings (2012) but was unclear on the need for complete prohibition in the home

¹²⁸ Law prohibits direct physical punishment (involving physical contact) but not indirect physical punishment (no contact, e.g. painful positions); fully prohibited in Seoul

¹²⁹ Government accepted UPR recommendation to prohibit, stating it considers it has already been implemented (2011) but recent law reform did not repeal the "right of correction"

¹³⁰ But no explicit prohibition

¹³¹ Government accepted UPR recommendations to prohibit corporal punishment of children in schools and the penal system but stated that it was already prohibited in schools and care settings (2009); recommendations to prohibit in 2013 UPR rejected

¹³² Ministerial circulars advise against corporal punishment but no prohibition in law

State	Prohibited in schools
Senegal	SOME ¹³³
Seychelles	NO ¹³⁴
Sierra Leone	NO
Singapore	NO
Solomon Islands ¹³⁵	NO
Somalia	[SOME] ¹³⁶
St Kitts and Nevis	NO
St Lucia	NO
St Vincent and the Grenadines	NO
Sudan	SOME ¹³⁷
Suriname	NO ¹³⁸
Swaziland	NO
Switzerland	YES
Syrian Arab Republic	NO ¹³⁹
Taiwan	YES
Tonga	YES
Trinidad and Tobago	NO ¹⁴⁰
Tuvalu ¹⁴¹	NO

State	Prohibited in schools
UK	YES
United Arab Emirates	YES ¹⁴²
UR Tanzania	NO
USA	SOME ¹⁴³
Uzbekistan	YES
Vanuatu	YES
Viet Nam	YES
Western Sahara	[NO]
Yemen	YES

¹³³ Prohibited for 6-14 year olds

¹³⁴ Policy states corporal punishment should not be used but no prohibition in law

¹³⁵ Government accepted UPR recommendation to prohibit in all settings (2011) but stated that the Penal Code was being reviewed to ascertain whether further provision or guidance is necessary to clarify when corporal punishment is lawful

¹³⁶ Possibly prohibited in Somaliland

¹³⁷ At federal level Child Act 2010 prohibits cruel punishment but not explicitly all corporal punishment; prohibited in Khartoum State

¹³⁸ Government accepted UPR recommendation to prohibit in schools (2011)

¹³⁹ Ministry of Education advises against corporal punishment but no prohibition in law

¹⁴⁰ Prohibited in Children Act 2012, not yet in force

¹⁴¹ Government accepted UPR recommendation to prohibit in 2008 but in 2013 accepted some UPR recommendations to prohibit and rejected others

¹⁴² But no explicit prohibition in private schools

¹⁴³ Prohibited in public schools in 29 states and District of Columbia, and in public and private schools in Iowa and New Jersey