

Progress towards prohibiting all corporal punishment in Commonwealth states

Prepared by the Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org), March 2017



Global Initiative to
End All Corporal Punishment
of Children

The following table summarises the legal status of corporal punishment of children – and progress towards achieving prohibition – in all settings in all Commonwealth states. As at March 2017, four states have achieved prohibition in all settings, including the home; governments of at least 18 others have expressed a commitment to enacting full prohibition. Seven states have prohibited corporal punishment in all alternative care settings, six in day care, 23 in schools, 27 in penal institutions and 33 as a sentence for crime.

States with full prohibition in legislation

The following four states have prohibited corporal punishment in all settings, including the home.

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Cyprus	YES ¹	YES	YES	YES	YES	YES
Kenya	YES ²	YES	YES	YES	YES	YES
Malta	YES ³	YES	YES	YES	YES	YES
New Zealand	YES ⁴	YES	YES	YES	YES	YES

States expressing commitment to law reform in UPR and other contexts

Governments in the following states have expressed a commitment to prohibition of all corporal punishment of children. In the majority of cases this has been through unequivocally accepting recommendations to prohibit made during the Universal Periodic Review (UPR) of the state concerned. Some states have formally confirmed a commitment to prohibition in a public context outside of the UPR.

<i>States committed to law reform ...</i>						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Bangladesh ⁵	NO	NO	NO	YES ⁶	NO	NO
Belize ⁷	NO	SOME ⁸	SOME ⁹	YES	SOME ¹⁰	YES

¹ Prohibited in Violence in the Family (Prevention and Protection of Victims) Law 1994, reiterated in Act on Violence in the Family 2000; right “to administer punishment” formally repealed from Children's Law 1956 in 2013

² Prohibited in Constitution 2010 but some legislation still to be formally repealed

³ Prohibited in 2014 amendment to Criminal Code but some legislation still to be formally repealed

⁴ Prohibited in Crimes (Substituted Section 59) Amendment Act 2007

⁵ 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; Government accepted UPR recommendation to prohibit (2009)

⁶ Unlawful under 2011 Supreme Court ruling, not yet confirmed in legislation

⁷ Government accepted UPR recommendation to prohibit (2009)

⁸ Prohibited in residential care facilities

<i>States committed to law reform ...</i>						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Fiji ¹¹	NO	NO	NO	YES ¹²	YES	YES
India ¹³	NO	SOME ¹⁴	NO ¹⁵	SOME ¹⁶	YES ¹⁷	SOME ¹⁸
Kiribati ¹⁹	NO	NO	NO	YES	NO	NO
Mauritius ²⁰	NO	NO	[SOME] ²¹	YES	NO	YES
Mozambique ²²	NO	NO	NO	NO ²³	YES	YES
Namibia ²⁴	NO	SOME ²⁵	SOME ²⁶	YES	YES ²⁷	YES ²⁸
Pakistan ²⁹	SOME ³⁰	SOME ³¹	SOME ³²	SOME ³³	SOME ³⁴	SOME ³⁵
Papua New Guinea ³⁶	NO	SOME ³⁷	NO	NO	YES	YES
Rwanda ³⁸	NO	NO	NO	YES	YES	YES
Samoa ³⁹	NO	NO	SOME ⁴⁰	SOME ⁴¹	YES	YES

⁹ Prohibited in day care centres

¹⁰ Prohibited in “Youth Hostel” detention centre

¹¹ Government accepted UPR recommendation to prohibit in all settings (2014)

¹² Unlawful under 2002 High Court ruling, not yet confirmed in legislation

¹³ Commitment to prohibition in all settings confirmed in report to UN Committee on the Rights of the Child (2011); Government accepted UPR recommendation to prohibit in all settings (2012)

¹⁴ Prohibited in care institutions except in Jammu and Kashmir; bill which would prohibit in all childcare institutions under discussion (2014)

¹⁵ Bill which would prohibit in anganwadi centres and playschools under discussion (2014)

¹⁶ Prohibited for 6-14 year olds except in Jammu and Kashmir; not prohibited in religious schools

¹⁷ But prohibiting law not applicable in Jammu and Kashmir

¹⁸ Permitted in traditional justice systems

¹⁹ Government accepted UPR recommendations to prohibit in all settings and repeal “reasonable punishment” defence (2015)

²⁰ Bill which would prohibit under discussion (2015)

²¹ Possibly unlawful in preschool provision

²² Government accepted UPR recommendation to prohibit in all settings (2016)

²³ Government directive advises against corporal punishment but no prohibition in law

²⁴ Government accepted UPR recommendations to prohibit in all settings (2016)

²⁵ Unlawful in state-run childcare under 1991 Supreme Court ruling but some legislation still to be repealed; prohibited in Child Care and Protection Act 2014, not yet in force

²⁶ Unlawful in state-run childcare under 1991 Supreme Court ruling but some legislation still to be repealed; prohibited in Child Care and Protection Act 2014, not yet in force

²⁷ Unlawful under 1991 Supreme Court ruling but some legislation still to be repealed; prohibited in Child Care and Protection Act 2014, not yet in force

²⁸ Unlawful under 1991 Supreme Court ruling but some legislation still to be repealed

²⁹ 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 2014 in Government launch of national campaign for law reform

³⁰ Prohibited in Pakistan administered Gilgit-Baltistan

³¹ Prohibited in Pakistan administered Gilgit-Baltistan, in Islamabad Capital Territory and in Sindh

³² Prohibited in Pakistan administered Gilgit-Baltistan, in Islamabad Capital Territory and in Sindh

³³ Prohibited for 5-16 year olds in Punjab; prohibited in Pakistan administered Gilgit-Baltistan, Islamabad Capital Territory and Sindh

³⁴ Prohibited in Juvenile Justice System Ordinance 2000, not applicable in all areas and other laws not amended/repealed; prohibited in Pakistan administered Gilgit-Baltistan, Islamabad Capital Territory and Sindh

³⁵ Lawful under Shari’a law; prohibited in Pakistan administered Gilgit-Baltistan

³⁶ Government accepted UPR recommendation to prohibit in all settings (2011)

³⁷ Corporal punishment of children “in the care of the Director” prohibited

³⁸ Government accepted UPR recommendation to prohibit in all settings and to repeal the “right of correction” (2011, 2015)

³⁹ Government accepted UPR recommendation to prohibit in the home (2011)

⁴⁰ Prohibited in early childhood centres

⁴¹ Prohibited in government schools for children aged 5-14

<i>States committed to law reform ...</i>						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Seychelles ⁴²	NO	NO	NO	NO ⁴³	NO	YES
Sierra Leone ⁴⁴	NO	NO	NO	NO	YES	YES
South Africa ⁴⁵	NO	YES	YES	YES	YES	YES
Sri Lanka ⁴⁶	NO	NO	NO	NO ⁴⁷	SOME ⁴⁸	YES
Uganda ⁴⁹	NO	NO	NO	YES	YES	YES
Zambia ⁵⁰	NO	NO	SOME ⁵¹	YES	YES	YES ⁵²

States without a clear commitment to law reform

The following states have yet to make a clear commitment to prohibiting all corporal punishment. Some of these states have accepted UPR recommendations to prohibit but have also indicated that they consider existing legislation adequately protects children from corporal punishment, in conflict with information collected by the Global Initiative. Some states have accepted some UPR recommendations to prohibit corporal punishment but rejected other similar recommendations.

<i>States without a clear commitment to law reform ...</i>						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Antigua and Barbuda	NO	NO	NO	NO	NO	YES
Australia	NO	SOME ⁵³	SOME ⁵⁴	SOME ⁵⁵	SOME ⁵⁶	YES
Bahamas	NO	SOME ⁵⁷	NO	NO	[YES] ⁵⁸	[NO] ⁵⁹
Barbados	NO	NO	SOME ⁶⁰	NO	NO	NO
Botswana	NO	NO	NO	NO	NO	NO
Brunei Darussalam ⁶¹	NO	NO	SOME ⁶²	NO	NO	NO
Cameroon	NO	NO	[SOME] ⁶³	YES	[YES]	YES

⁴² Government accepted UPR recommendations to prohibit in all settings (2016)

⁴³ Policy states corporal punishment should not be used but no prohibition in law

⁴⁴ Government accepted UPR recommendation to prohibit in all circumstances (2016)

⁴⁵ Government accepted UPR recommendation to prohibit in the home (2012); bill which would prohibit under discussion (2016)

⁴⁶ Commitment to prohibition in all settings, including the home, made at July 2006 meeting of South Asia Forum, following UN Study on Violence against Children regional consultation

⁴⁷ Ministerial circular states corporal punishment should not be used but no prohibition in law

⁴⁸ Prohibited in prisons

⁴⁹ Government Bill which would prohibit in all settings tabled in 2015 but failed to progress through parliament

⁵⁰ Government accepted UPR recommendation to prohibit in all settings (2012); draft Constitution would prohibit (2016)

⁵¹ Prohibited in preschool provision

⁵² Unlawful under 1999 Supreme Court ruling but some legislation still to be repealed

⁵³ Prohibited in all residential centres and foster care in all states/territories except Northern Territory, Tasmania, Victoria and Western Australia

⁵⁴ Prohibited in all states/territories except in Northern Territory and Tasmania; prohibition in childminding unconfirmed

⁵⁵ Prohibited in all states/territories except Northern Territory, Queensland and Western Australia

⁵⁶ Prohibited in all states/territories except Australian Capital Territory and Western Australia

⁵⁷ Prohibited in residential institutions

⁵⁸ But some legislation possibly still to be repealed

⁵⁹ Prohibited in 1984 but reintroduced in 1991

⁶⁰ Prohibited in day nurseries

⁶¹ Government accepted some UPR recommendations to prohibit but rejected others (2009)

⁶² Prohibited in childcare centres

<i>States without a clear commitment to law reform ...</i>						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Canada	NO ⁶⁴	SOME ⁶⁵	SOME ⁶⁶	YES ⁶⁷	YES	YES
Dominica	NO	NO	SOME ⁶⁸	NO	NO	NO
Ghana ⁶⁹	NO	NO	NO	NO ⁷⁰	SOME ⁷¹	YES
Grenada	NO	SOME ⁷²	NO	NO	NO	NO ⁷³
Guyana	NO	SOME ⁷⁴	SOME ⁷⁵	NO	SOME ⁷⁶	SOME ⁷⁷
Jamaica	NO	YES	SOME ⁷⁸	NO ⁷⁹	YES	YES
Lesotho ⁸⁰	NO	NO	NO	NO	YES	YES
Malawi	NO	SOME ⁸¹	SOME ⁸²	[YES] ⁸³	YES	YES
Malaysia	NO	NO	NO	NO	NO	NO ⁸⁴
Nauru	NO	NO	[SOME] ⁸⁵	YES	YES	[YES]
Nigeria	NO	NO	NO	NO ⁸⁶	SOME ⁸⁷	SOME ⁸⁸
Singapore	NO	NO	SOME ⁸⁹	NO	NO	NO
Solomon Islands ⁹⁰	NO	NO	NO	NO	YES	YES ⁹¹
St Kitts and Nevis	NO	NO	NO	NO	NO	[YES] ⁹²
St Lucia ⁹³	NO	NO	NO	NO	NO	YES

⁶³ Possibly prohibited in nursery education

⁶⁴ 2004 Supreme Court ruling limited but upheld parents' right to physically punish children; Bill which would prohibit under discussion (2016)

⁶⁵ Prohibited in state provided care in Alberta, British Columbia and Manitoba and in foster care in Alberta, British Columbia, Manitoba and Ontario; in Ontario prohibited in provincially licensed childcare programmes and in foster homes for children receiving services from provincially licensed/approved child protection agency or other service provider

⁶⁶ Prohibited in all states/territories except New Brunswick

⁶⁷ Unlawful under 2004 Supreme Court ruling but this not yet confirmed in laws relating to private schools and to all schools in Alberta and Manitoba

⁶⁸ Prohibited in early childhood education facilities

⁶⁹ Government accepted UPR recommendations to prohibit in all settings (2008, 2012) but also defended "reasonable" punishment and has asserted existing legislation is adequate

⁷⁰ Ministerial directive possibly advises against corporal punishment but no prohibition in law

⁷¹ Prohibited in prisons

⁷² Prohibited in childcare homes

⁷³ Prohibited in Juvenile Justice Act 2012, not yet in force

⁷⁴ Prohibited in some but not all settings in Child Care and Services Development Act 2011

⁷⁵ Prohibited in some but not all settings in Child Care and Services Development Act 2011

⁷⁶ Prohibited for persons under 17

⁷⁷ Prohibited for persons under 17

⁷⁸ Prohibited in early childhood centres ("basic schools")

⁷⁹ Prohibition under discussion (2015); see also note on day care

⁸⁰ Government accepted UPR recommendation to abolish corporal punishment, stating it was being implemented (2010), but subsequent law reform prohibited only as sentence for crime

⁸¹ Prohibited in state-run institutions

⁸² Prohibited in state-run day care

⁸³ Prohibition in private schools unconfirmed

⁸⁴ Government committed to prohibition (2007); bill which would prohibit (but not under Islamic law) under discussion (2015)

⁸⁵ Possibly prohibited in preschool education settings

⁸⁶ But possibly prohibited in Lagos State

⁸⁷ Prohibited in Child Rights Act 2003, not enacted in all states

⁸⁸ Prohibited in Child Rights Act 2003, not enacted in all states; lawful in some states under Shari'a law

⁸⁹ Prohibited in childcare centres

⁹⁰ Government accepted UPR recommendation to prohibit in all settings (2011) but stated review of Penal Code included assessing need for clarification on lawful corporal punishment

⁹¹ But used in traditional justice

⁹² But some legislation still to be formally repealed

<i>States without a clear commitment to law reform ...</i>						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
St Vincent and the Grenadines	NO	NO	NO	NO	NO	NO
Swaziland	NO	NO	NO	NO	NO	YES
Tonga	NO	NO	SOME ⁹⁴	YES	[YES]	NO ⁹⁵
Trinidad and Tobago	NO	YES	YES	YES	YES	YES
Tuvalu ⁹⁶	NO	SOME ⁹⁷	NO	NO	SOME ⁹⁸	SOME ⁹⁹
UK	NO	SOME ¹⁰⁰	SOME ¹⁰¹	YES ¹⁰²	YES	YES
UR Tanzania	NO	SOME ¹⁰³	NO	NO	SOME ¹⁰⁴	SOME ¹⁰⁵
Vanuatu	NO	NO	NO	YES	YES	SOME ¹⁰⁶

Note

The above information is based wherever possible on examination of national legislation; additional information is gathered 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 assisted us in our research. We welcome corrections and updates: email info@endcorporalpunishment.org. For further details on all states see the individual state reports at www.endcorporalpunishment.org.

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www.endcorporalpunishment.org; info@endcorporalpunishment.org
 March 2017

⁹³ Government accepted some but not all UPR recommendations to prohibit (2015)

⁹⁴ Prohibited in preschool institutions

⁹⁵ 2010 Court of Appeal ruling stated “it might be argued” whipping is unconstitutional but did not declare it such

⁹⁶ Government accepted 2008 UPR recommendation to prohibit but in 2013 accepted some UPR recommendations to prohibit and rejected others

⁹⁷ Prohibited in hospital mental health wing

⁹⁸ Corporal punishment by police officers prohibited

⁹⁹ Island courts may order corporal punishment

¹⁰⁰ Prohibited in residential institutions and foster care arranged by local authorities and voluntary organisations

¹⁰¹ Prohibited in day care and childminding in England, Wales and Scotland; in Northern Ireland, guidance states physical punishment should not be used but no prohibition in law

¹⁰² But in 2014 Government confirmed no prohibition in “unregistered independent settings providing part-time education”

¹⁰³ Prohibited in residential institutions in Zanzibar

¹⁰⁴ Prohibited in approved schools and remand homes in Zanzibar

¹⁰⁵ Prohibited in Zanzibar

¹⁰⁶ Permitted in rural areas under customary justice systems