

Progress towards prohibiting all corporal punishment in South Asia

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

LAST UPDATED November 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 states in all states in South Asia. As at March 2017, no state has achieved prohibition in all settings, including the home; but governments of seven states have expressed a commitment to enacting full prohibition. No state has prohibited corporal punishment in all alternative care settings or in all forms of day care. Two states have prohibited corporal punishment in all schools, two in penal institutions and three as a sentence for crime.

Corporal punishment unlawful by Supreme Court ruling

In the following state a Supreme Court ruling has declared corporal punishment to be unlawful in all settings including the home but prohibition has not yet been enacted in legislation. Nepal is committed to law reform.

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
Nepal ¹	NO	NO	NO	NO	NO	YES

States expressing commitment to law reform in UPR and other contexts

Governments in the following six states have expressed a commitment to prohibition of all corporal punishment of children – through unequivocally accepting recommendations to prohibit made during the Universal Periodic Review (UPR) of the state concerned and/or 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
Afghanistan ²	NO	NO	SOME ³	YES	NO	NO ⁴
Bangladesh ⁵	NO	NO	NO	YES ⁶	NO	NO

¹ 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; draft legislation which would prohibit under discussion (2016)

² 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

³ Prohibited in preschool provision

⁴ Lawful under Shari'a law

States committed to law reform ...						
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
Bhutan ⁷	NO	NO	NO	NO ⁸	[YES]	YES
India ⁹	NO	SOME ¹⁰	NO ¹¹	SOME ¹²	YES ¹³	SOME ¹⁴
Pakistan ¹⁵	SOME ¹⁶	SOME ¹⁷	SOME ¹⁸	SOME ¹⁹	SOME ²⁰	SOME ²¹
Sri Lanka ²²	NO	NO	NO	NO ²³	SOME ²⁴	YES

States without a clear commitment to law reform

The following state expressed a commitment to prohibiting all corporal punishment in 2006 but appears to be no longer committed.

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
Maldives ²⁵	NO	NO	NO	NO ²⁶	NO	NO

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 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

⁸ Code of Conduct and ministerial directives state corporal punishment should not be used but no prohibition in law

⁹ 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)

¹⁰ Prohibited in care institutions except in Jammu and Kashmir; bill which would prohibit in all childcare institutions under discussion (2014)

¹¹ Bill which would prohibit in anganwadi centres and playschools under discussion (2014)

¹² Prohibited for 6-14 year olds except in Jammu and Kashmir; not prohibited in religious schools

¹³ But prohibiting law not applicable in Jammu and Kashmir

¹⁴ Permitted in traditional justice systems

¹⁵ 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

¹⁶ Prohibited in Pakistan administered Gilgit-Baltistan

¹⁷ Prohibited in Pakistan administered Gilgit-Baltistan, in Islamabad Capital Territory and in Sindh

¹⁸ Prohibited in Pakistan administered Gilgit-Baltistan, in Islamabad Capital Territory and in Sindh

¹⁹ Prohibited for 5-16 year olds in Punjab; prohibited in Pakistan administered Gilgit-Baltistan, Islamabad Capital Territory and Sindh

²⁰ 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

²¹ Lawful under Shari'a law; prohibited in Pakistan administered Gilgit-Baltistan

²² 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 and reiterated in 2017 when the Government accepted UPR recommendation to prohibit

²³ Ministerial circular states corporal punishment should not be used but no prohibition in law

²⁴ Prohibited in prisons

²⁵ Government expressed commitment to prohibition in all settings, including the home, at July 2006 meeting of South Asia Forum, following 2005 UN Study on Violence against Children regional consultation, but law reform in 2014/2015 re-authorised corporal punishment in all settings and Government rejected UPR recommendations to prohibit (2015)

²⁶ Ministry of Education advises against corporal punishment but no prohibition in law

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.

Analysis prepared by the Global Initiative to End All Corporal Punishment of Children
www.endcorporalpunishment.org; info@endcorporalpunishment.org
November 2017