

Legal defences for corporal punishment of children derived from English law

Preliminary analysis based on information held by the Global Initiative at 10 November 2015



Global Initiative to
End All Corporal Punishment
of Children

COUNTRY/ TERRITORY	INDEPENDENCE FROM UK	LEGAL DEFENCE(S)
AFGHANISTAN	1919	Penal Code 1976 (art. 54(1)); Shiite Personal Law (art. 194(6))
ANGUILLA	n/a	English common law; Criminal Code 2000 (art. 243(6))
ANTIGUA AND BARBUDA	1981	Juvenile Act 1951 (art. 5(6))
AUSTRALIA	1901-1986	Common law; Northern Territory Criminal Code Act (s27); Queensland Criminal Code Act 1899 (s280); South Australia Criminal Law Consolidation Act 1935 (s20); Tasmania Criminal Code Act 1924 (s50); Western Australia Criminal Code 1913 (s257); New South Wales Crimes Act (s61AA)
BAHAMAS	1973	Penal Code 1873 (art. 110)
BAHRAIN	1971	English common law (unconfirmed)
BANGLADESH	-	Penal Code 1860 (art. 89)
BARBADOS	1966	Prevention of Cruelty to Children Act 1904 (art. 4)
BELIZE	1981	Summary Jurisdiction (Procedure) Act 1953 (art. 6); Families and Children (Child Abuse) (Reporting) Regulations 1999 (art. 2); Criminal Code 1981 (art. 39)
BERMUDA	n/a	Criminal Code 1907 (art. 266)
BOTSWANA	1966	Children's Act 2009 (arts. 27, 61)
BRITISH VIRGIN ISLANDS	n/a	Criminal Code 1997 (art. 192)
BRUNEI DARUSSALAM	1984	Penal Code 1951 (art. 89); Sharia Penal Code 2013 (arts. 18, 24)
CAMEROON	-	English common law
CANADA	1867-1982	Criminal Code (s. 43)
CAYMAN ISLANDS	n/a	English common law; Penal Code (art. 226(7))
COOK ISLANDS	-	Crimes Act 1969 (art. 61)
DOMINICA	1978	Children and Young Persons Act 1970 (art. 5)
EGYPT	1922	Child Law (art. 7A)
FALKLAND ISLANDS (MALVINAS)	n/a	English common law
FIJI	1970	Juveniles Act 1974 (art. 57)
GAMBIA	1965	Common law
GHANA	1957	Children's Act 1998 (art. 13(2))
GIBRALTAR	n/a	English common law; Criminal Offences Act 1960 (art. 82); Crimes Act 2011 (art. 172)
GRENADA	1974	Criminal Code 1958 (arts. 54, 55, 65)
GUERNSEY	n/a	English common law; Child Protection (Alderney) Law 1953 (art. 2)
GUYANA	1966	Criminal Law (Offences) Act 1894 (art. 9); Summary Jurisdiction (Offences) Act 1894 (art. 7)
HONG KONG	-	English common law
INDIA	1947	Penal Code 1860 (s. 89); Ranbir Penal Code 1860 (s. 89)
IRAQ	1932	Iraqi Penal Code (art. 41(1))
ISLE OF MAN	n/a	English common law; Children and Young Persons Act 1966 (art. 1)
JAMAICA	1962	Common law

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JERSEY	n/a	English common law; Children (Jersey) Law 2002 (arts. 35(5), 79)
JORDAN	1946	Criminal Code 1960 (art. 62)
KENYA	1963	Children Act 2001 (art. 127)
KIRIBATI	1979	Penal Code 1977 (art. 226)
KUWAIT	1961	Criminal Code (art. 29)
LESOTHO	1966	Children's Protection and Welfare Act 2011 (art. 16); Penal Code Act 2010 (art. 32)
MALAWI	1964	English common law (unconfirmed)
MALAYSIA	1957	Penal Code 1936 (arts. 89, 350)
MALDIVES	1965	Penal Code 2014 (art. 44)
MAURITIUS	1968	English common law (unconfirmed)
MONTSERRAT	n/a	Juveniles Act 1982 (art. 37); Penal Code 1983 (art. 193(6))
MYANMAR	1948	Child Law 1993 (art. 66); Penal Code (art. 89)
NAMIBIA		Children's Act 1960 (art. 59)
NAURU	1968	Criminal Code Act 1899 of the State of Queensland, First Schedule (s. 280)
NIGERIA	1960	Criminal Code (South) (art. 295); Penal Code (North) (art. 55); Shari'a Penal Codes
NIUE	-	Common law
PAKISTAN	1947	Penal Code (art. 89); Punjab Destitute and Neglected Children Act 2004 (art. 35); Sindh Children Act 1955 (art. 48); Khyber Pakhtunkhwa Child Protection and Welfare Act 2010 (arts. 33, 44)
PAPUA NEW GUINEA	-	Criminal Code 1974 (art. 278); Constitution (art. 42)
QATAR	1971	English common law (unconfirmed)
SAMOA		Infants Ordinance 1961 (art. 14)
SEYCHELLES	1976	Common law; Children Act 1982 (art. 70(7))
SIERRA LEONE	1961	Prevention of Cruelty to Children Act 1926 (art. 3); Child Rights Act 2007 (art. 33(2))
SINGAPORE		Penal Code 1872 (art. 89); English common law; Women's Charter 1961 (art. 64); Children and Young Persons Act 1993 (art. 68)
SOLOMON ISLANDS	1978	Penal Code 1963 (art. 233)
SOUTH AFRICA	1910-1961	Common law
SRI LANKA	1948	Penal Code 1883 (arts. 82, 341); Children and Young Persons Ordinance 1939 (art. 71(6))
ST HELENA, ASCENSION AND TRISTAN DA CUNHA	n/a	English common law; Welfare of Children Ordinance 2008 (art. 144(5))
ST KITTS AND NEVIS	1983	Common law
ST LUCIA	1979	Children and Young Persons Act 1972 (art. 5)
ST VINCENT AND THE GRENADINES	1979	Juveniles Act 1952 (art. 8(7))
SUDAN	1956	English common law
SWAZILAND	1968	Constitution 2005 (art. 29(2)); Children's Protection and Welfare Act 2012 (art. 14)
TOKELAU	-	Crimes, Procedure and Evidence Rules 2003 (art. 15(3))
TONGA	1970	English common law
TRINIDAD AND TOBAGO	1962	Children Act 2012 (art. 4(6))

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TURKS AND CAICOS ISLANDS	n/a	English common law; Juveniles Ordinance 1968 (art. 5)
TUVALU	1978	Penal Code 1965 (art. 226)
UGANDA	1962	English common law
UK	n/a	Children Act 2004 (s. 58) in England and Wales; Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006; Criminal Justice (Scotland) Act 2003 (s. 51)
UNITED ARAB EMIRATES	1971	Penal Code 1987 (art. 53)
UR TANZANIA	1961	Tanzania: Law of the Child Act 2009 (art. 13) Zanzibar: Children's Act 2011 (art. 14)
USA	1783	State laws [details to come]
VANUATU	1980	English common law
YEMEN	1967	Children's Rights Act 2002 (art. 146c)
ZAMBIA	1964	Juveniles Act 1956 (art. 46); common law
ZIMBABWE	1980	Children's Act 1972 (art. 7); Criminal Law (Codification and Reform) Act 2004 (art. 241)

Preliminary list compiled by the Global Initiative to End All Corporal Punishment of Children
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 November 2015