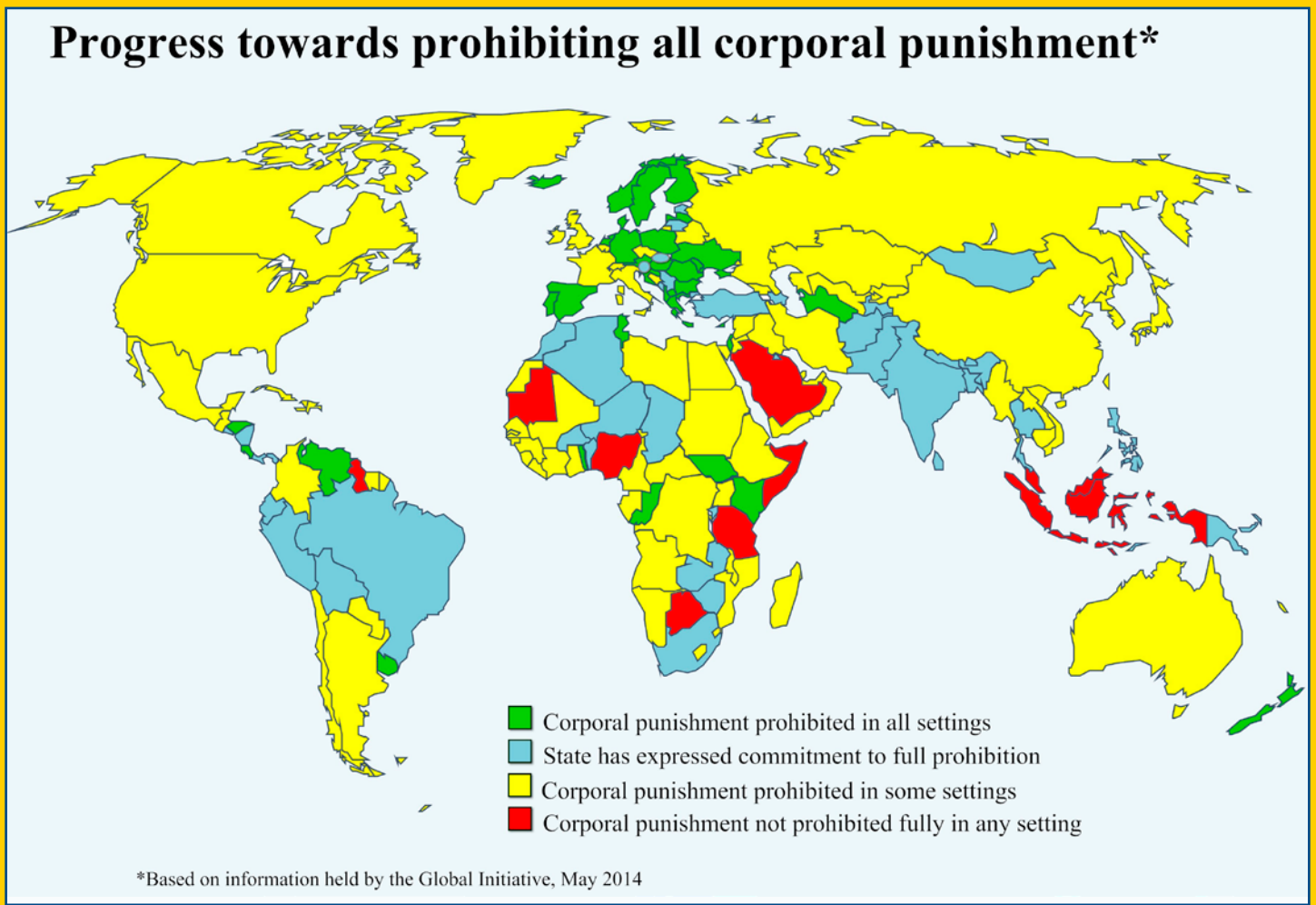
Childhood free from corporal punishment – changing law and practice

A special progress report prepared for the high-level conference hosted by Sweden's Ministry of Health and Social Affairs in Stockholm, June 2014, celebrating the 25th anniversary of the adoption of the CRC and the 35th anniversary of Sweden's pioneering ban on all corporal punishment of children



"... eliminating violent and humiliating punishment of children, through law reform and other necessary measures, is an immediate and unqualified obligation of States parties [to the Convention on the Rights of the Child]."

Committee on the Rights of the Child, General Comment No. 8, 2006

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A special progress report prepared in celebration of the 35th anniversary of Sweden's pioneering ban on all corporal punishment of children and the 25th anniversary of the adoption of the UN Convention on the Rights of the Child, June 2014

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Note on facts and figures

The Global Initiative bases its analyses on a total of 198 states – all those that have ratified/acceded to the UN Convention on the Rights of the Child except Holy See, plus Palestine, Somalia, South Sudan, Taiwan, US and Western Sahara. Child population figures are from UNICEF (2012) except Lao (Official Statistical Yearbook, 2012) and, where no UNICEF figures are available, *World Population Prospects 2010* (0-19) (Bolivia, Cyprus, DPR Korea, DR Congo, Republic of Korea, Republic of Moldova, Serbia and Western Sahara) and Bureau, Ministry of Interior (Taiwan); South Sudan figure is an estimate.

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Messages

Maria Larsson
Swedish Minister for Children and Elderly People

When violence is used against children, their confidence in the adult world is damaged. And there is good reason to believe that if this violence is exercised by the child's own parent, or by someone else close to them, the damage is greater. The state has therefore a duty to create and implement the juridical framework for protecting children against all kinds of violence. This duty is underlined in the Convention on the Rights of the Child as well.

In an international comparison, the situation in Sweden is relatively good. These results have been achieved using legislation, information and dissemination of knowledge. Corporal punishment of children has now been illegal for 35 years as the relevant legislation was passed by the Swedish Parliament in 1979, making Sweden the first country in the world to introduce such a ban.

95 per cent of Swedish adults share the opinion that violence against children is unjust, damaging and a poor method to use when bringing up children. But even if many people do subscribe to this belief, it is vital to continue providing information and carrying out opinion-building activities around this issue. There are adults both in Sweden and in other parts of the world who still need convincing. Every new generation of parents needs to know. In this context, legislation has also the role to guide the parents in, sometimes, the difficult task of bringing up a child.

The exchange of experiences in the framework of the conference organised by the Swedish Government in June 2014 in Stockholm is intended to put the issue of the legal ban of corporal punishment of children on the international political agenda. It is essential to continually remind ourselves about the obligations according to the Convention on the Rights of the Child, the guaranteeing role of our legislation and of the ethics and values on which children's rights are based. I really hope that this initiative will be taken over from one country to another as a relay-baton in our joined race to achieve the standards of the human rights of the child. I also hope that this conference will inspire other countries to take the necessary steps to ban the corporal punishment of children.

We will, hopefully, arrive at the point when children receive the necessary respect and are treated in a manner that never includes violence, or the threat of violence. A child who is hit – learns to hit. A child who is loved – learns to love.

Sweden was the first country in the world to prohibit all corporal punishment of children. In 1979 a provision was added to the Parenthood and Guardianship Code which now reads: "Children are entitled to care, security and a good upbringing. Children are to be treated with respect for their person and individuality and may not be subjected to corporal punishment or any other humiliating treatment."

Messages

Dr Wolfgang Brandstetter

Federal Minister of Justice, Austria

Just about simultaneously with the enactment of legislation banning corporal punishment in Sweden in 1979, the Austrian pediatrician and child psychiatrist Hans Czermak triggered a heated public debate when he presented the book *A healthy smacking is very unhealthy!* based on scientific research showing how corporal punishment is harmful to child development.

Even so, it took a further 10 years before, in 1989, the amendment of the Parent and Child Law made a clear commitment to the principle of non-violent upbringing of children, making Austria – after Sweden, Finland and Norway – the fourth country in the world to introduce such a ban. Since that time, "the use of force and infliction of physical or psychological suffering are not permitted".

To ensure that the imposition of the legal ban on corporal punishment would go beyond mere lip service, independent Ombuds-Offices for Children and Youth were set up in the nine provinces, tasked with implementing the principle of an upbringing free from violence through public awareness raising.

In 2009, 20 years after the introduction of the legal ban, a study on the effects of prohibition on the attitudes and behaviour of people in other European countries found that although the prevalence of corporal punishment had decreased, the mindset, attitude and behaviour of the Austrian population vis-à-vis violence-free upbringing of children, were well behind the level of awareness of the harmful effects of violence and its strict practical rejection by Swedish society.

However, neither stagnation nor resignation have spread owing to this seemingly unattainable lead in the trend-setting path towards a violence-free society in Sweden; on the contrary a renewed discussion was prompted in Austria about the need to improve the legal framework to effectively protect the most vulnerable members of society.

To this end, with the enactment of the Constitutional Law on the Rights of the Child (2011) the right of the child to enjoy a violence-free childhood has been included among the fundamental rights and freedoms; article 5(1) states: "Every child has the right to non-violent upbringing. Corporal punishment, the infliction of mental suffering, sexual abuse and other abuses are prohibited."

Furthermore, the Parent and Child Law, amended again in 2013, not only confirms the commitment to rejecting violence against children but also specifies that the primacy of the child's best interests as laid down in Article 3 of the CRC can only be met by averting any danger, assault or violence against the child.

In a nationwide survey in 2013 and another commissioned recently (May 2014) by the Ombuds-Office for Children and Youth of the province of Upper Austria, more than nine out of ten male and female respondents (respectively 93.6% and 98%) were aware of the prohibition of parents beating or inflicting physical violence on their children. Almost two thirds (64.3%) stated that they had heard about this law. Encouragingly, an overwhelming 96% agree that "Children have a right to a life without violence, and in particular to an upbringing free from violence".

Thus, Austria is gradually closing in on the example of Sweden, where some 90% of parents in 2009 research claimed to be aware of the prohibition of violence.

In the framework of the conference organised by the Swedish Government in June 2014 in Stockholm in conjunction with the follow-up Conference in 2016 to be organised by the Austrian Government jointly with the nine Ombuds-Offices for Children and Youth, it is intended to share experience about the long and rocky path that needs to be followed in a concerted manner by political decision-makers and other groups of society in order to arrive at a state of affairs where not only the concept for a new culture of a violence-free upbringing of children is fostered but where a life without violence becomes standard for children throughout Europe and the world.

Kirsten Sandberg

Chair, UN Committee on the Rights of the Child

Corporal punishment is an infringement of children's integrity and a violation of their rights. Under article 19 of the Convention the child has a right to be protected from all forms of violence, including corporal punishment. There is no excuse for using violence against children in whatever setting. The need to discipline children is no reason to use violence, neither in schools, institutions, nor in the family. Children should be raised by positive measures.

The Committee on the Rights of the Child repeatedly urges states to explicitly prohibit in their legislation all forms of corporal punishment. We commend the states that have already done so; they protect their children and promote a violence-free society. They are an example to the rest of the world. It is important that these states spread the word to other states, including on the positive, non-violent and participatory forms of childrearing and discipline that are practised in their country. Hopefully one day it will be self-evident to all states that children are entitled to a violence-free upbringing.

Marta Santos Pais

Special Representative of the UN Secretary General on Violence against Children

In 2006, the UN Secretary-General's Study on Violence against Children provided a comprehensive overview of the phenomenon of violence against children, unveiling its pervasiveness, complexity and impact, and putting forward strategic recommendations to prevent and address its occurrence. The prohibition of all forms of violence against children, including all corporal punishment, is one of the Study's core recommendations. With the process of follow-up to the Study's recommendations over the past few years, the number of countries with a comprehensive legal ban has more than doubled and in many other states legislative reforms are under way to achieve this end. Despite this significant development, the vast majority of the world's 2.2 billion children still lack legal protection of their right to freedom of violence.

As the Swedish example shows, a good law, combined with sound child-centred policies, investment in positive parenting, targeted and sustained awareness raising as well as with social mobilisation efforts, can lead to a very positive change in attitudes and behaviour towards children.

The elimination of all forms of violence against children is an ethical and a human rights imperative. It is also a matter of good governance and makes economic sense. It is therefore a concern that the international community cannot afford to omit from the post-2015 development agenda.

I trust that in this year of the 25th Anniversary of the Convention on the Rights of the Child, the world's leaders will stand up for the world's children. Prohibiting all forms of violence against children and including children's freedom of violence as a distinct priority in the post-2015 development agenda is a perfect way to do so.

Professor Paulo Sérgio Pinheiro

The Independent Expert who led the UN Secretary General's Study on Violence against Children

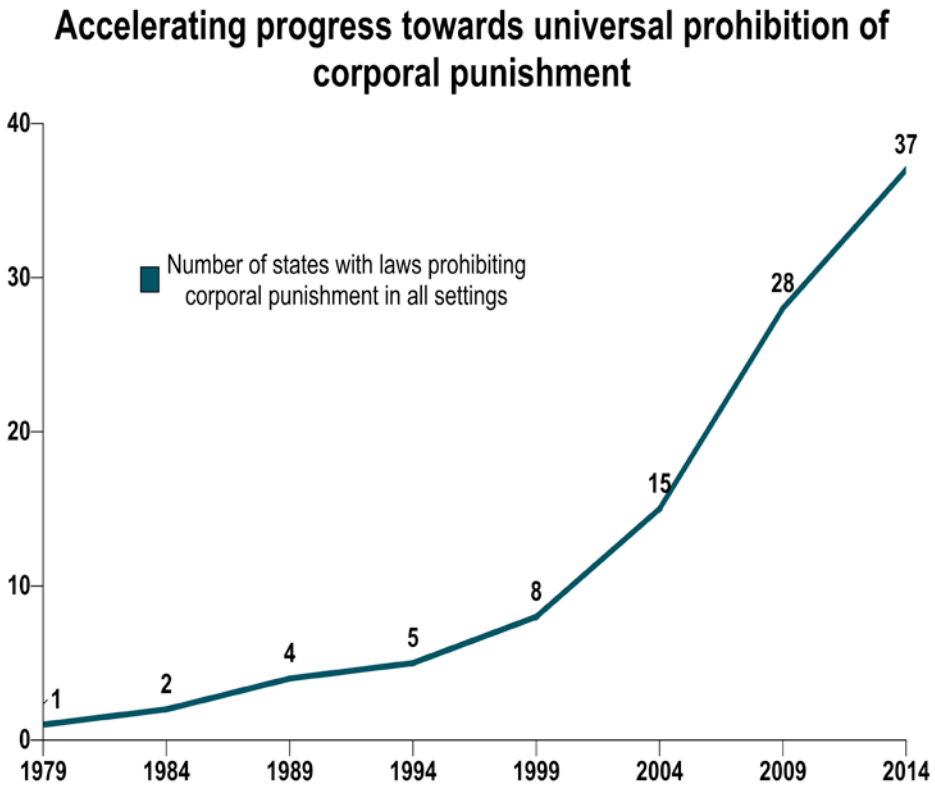
Warm congratulations to Sweden for hosting this high-level intergovernmental meeting to speed progress towards the universal prohibition and elimination of violent punishment of children, which we can dare to believe is now in sight. It is hard to think of a more worthy and significant – and urgent – goal than this for establishing securely the status of children as individual people and rights-holders and for reducing all forms of violence in human societies.

The position that states take on this issue is indeed a litmus test of their overall commitment to respect for children and their rights. Since 1979, 36 more states have followed Sweden in achieving clear prohibition of all corporal punishment in all settings of children's lives; many more have made public commitments to do so. During the UNSG's Study process, children underlined that this is the most common form of violence in their lives in every region and that its perpetration by parents, teachers and others close to them hurts them deeply and not only physically. Research into the awful scale of violent punishment and its very harmful impact has accumulated.

There is so much that states, working collaboratively in UN and other forums, can do to assert the human rights imperative and encourage faster global progress. As I reported to the UN General Assembly in 2007, children are tired of being called the future – they want to enjoy their childhoods free of violence now.

Progress – and delay – in prohibiting all corporal punishment of children

At the time of writing (May 2014), 37 states across all world regions have achieved law reform to prohibit all corporal punishment of children, including in the home. A further 46 states have expressed a commitment to enacting prohibiting legislation, by unequivocally accepting recommendations to do so made during their Universal Periodic Reviews and/or in other official contexts. Outside the home, 43 states have prohibited corporal punishment in all alternative care settings and in all day care, 121 have prohibited it in all schools, 127 in penal institutions and 159 as a sentence for crime.



Regional intergovernmental campaigns for law reform to prohibit corporal punishment

In 2008 the **Council of Europe** launched its campaign (www.coe.int/t/dg3/children/corporalpunishment) for abolition of corporal punishment in all settings in its 47 member states. The Council has developed tools for the use of governments, parliaments, local authorities, professional networks, civil society and others involved with children to support the protection of children and the promotion of prohibition and elimination of corporal punishment throughout the region. Since the launch of the campaign, seven Council of Europe member states have achieved prohibition in all settings, bringing the total number of member states to have done so to 25. Draft legislation which would achieve prohibition is under discussion in a further nine member states.

The **South Asia Initiative to End Violence Against Children**, an Apex Body of the South Asian Association for Regional Cooperation (SAARC), runs the "Equal Protection for Children" campaign (www.saievac.org/cp), launched in Sri Lanka in 2012. The expected outcomes of the campaign are clear prohibition in legislation of all corporal punishment and other forms of cruel or degrading punishment of children in all settings of their lives, the recognition of corporal punishment as a harmful practice and the adoption of positive, non-violent parenting, caring and education in the eight SAARC member states. Together, these states are home to a quarter of the world's children. Draft laws which provide immediate opportunities for enacting prohibition are under discussion in all eight member states.

37 states have prohibited all corporal punishment of children; a further 46 states have made a commitment to enacting full prohibition

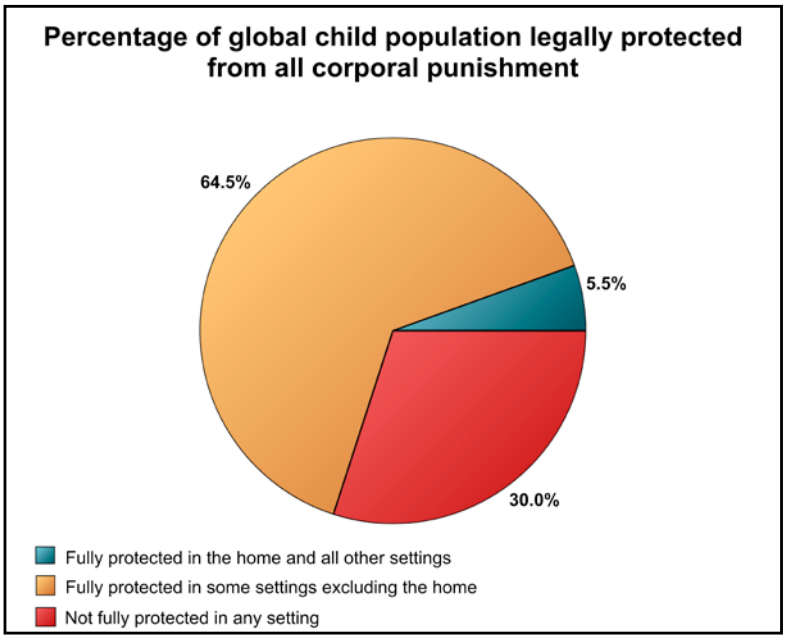
Prohibition achieved:

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

Committed to prohibition:

Afghanistan	Ecuador	Niger	Slovenia
Algeria	El Salvador	Pakistan	South Africa
Armenia	Estonia	Palau	Sri Lanka
Azerbaijan	India	Panama	Tajikistan
Bangladesh	Lithuania	Papua New Guinea	Thailand
Belize	Maldives	Peru	Timor-Leste
Benin	Mauritius	Philippines	Turkey
Bhutan	Mongolia	Samoa	Uganda
Bolivia	Montenegro	San Marino	Zambia
Brazil	Morocco	Sao Tome and Principe	Zimbabwe
Burkina Faso	Nepal	Serbia	
Cape Verde	Nicaragua	Slovakia	

But there is a long way to go. Still only 5.5% of the world's children live in countries where they are completely protected in law from all forms of corporal punishment. 155 states have yet to prohibit corporal punishment in all alternative care and day care settings, 77 in all their schools, 71 in penal institutions, and 39 as a sentence in criminal, religious and/or traditional systems of justice.



In 39 states, corporal punishment is lawful as a sentence under criminal, religious and/or customary law; 24 states have not fully prohibited corporal punishment in any setting

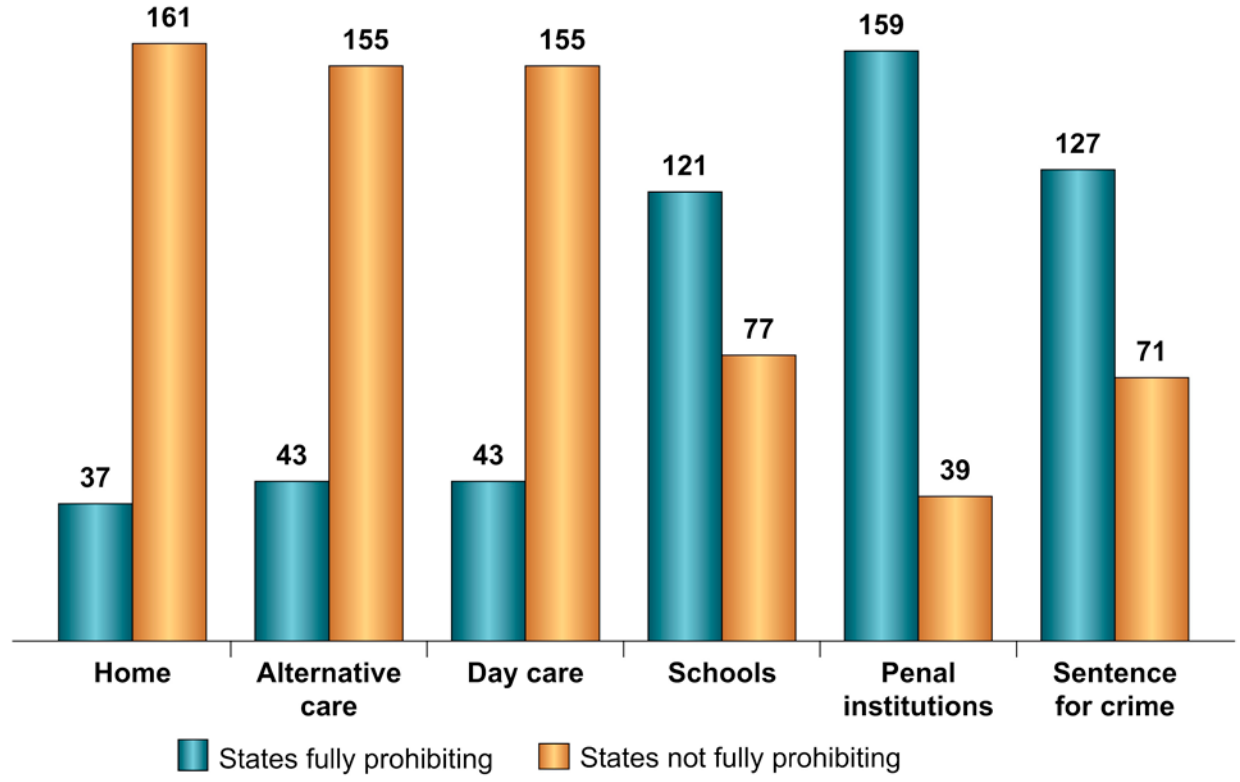
Judicial corporal punishment not prohibited:

Afghanistan
Antigua and Barbuda
Bahamas
Bangladesh
Barbados
Bolivia
Botswana
Brunei Darussalam
Colombia
Dominica
Ecuador
Eritrea
Grenada
Guyana
India
Indonesia
Iran
Kiribati
Libyan Arab Jamahiriya
Malaysia
Maldives
Mauritania
Nigeria
Pakistan
Palestine
Qatar
Saudi Arabia
Singapore
Somalia
St Kitts and Nevis
St Vincent and the Grenadines
Tonga
Trinidad and Tobago
Tuvalu
United Arab Emirates
UR Tanzania
Vanuatu
Yemen
Zimbabwe

Corporal punishment not fully prohibited in any setting:

Antigua and Barbuda
Barbados
Botswana
Brunei Darussalam
Dominica
Eritrea
Grenada
Guyana
India
Malaysia
Maldives
Mauritania
Nigeria
Pakistan
Palestine
Saudi Arabia
Singapore
Somalia
St Kitts and Nevis
St Vincent and the Grenadines
Trinidad and Tobago
Tuvalu
UR Tanzania
Zimbabwe

Number of states worldwide prohibiting corporal punishment of children



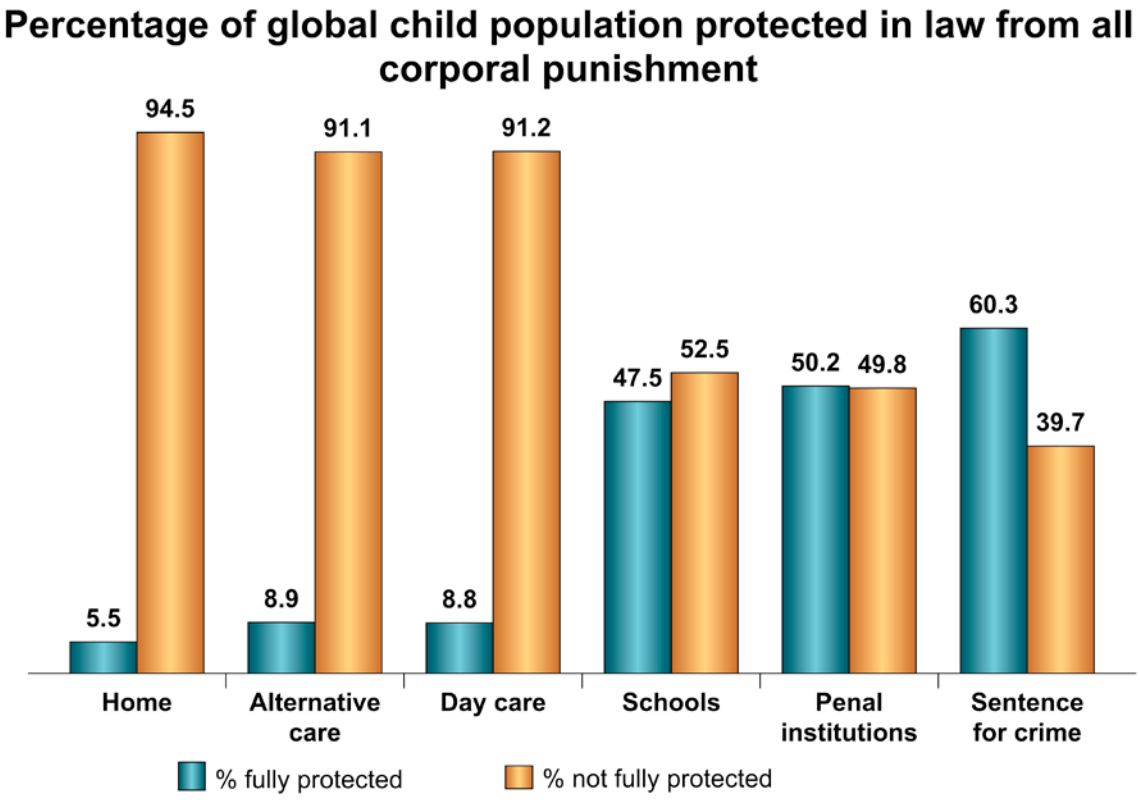
Using existing opportunities for enacting prohibiting legislation

All over the world, states are revising and redrafting existing laws and drafting and enacting new laws which are relevant or potentially relevant to children's rights, including to protection from all forms of violence. The context for these reforms is always, to varying degrees, a state's duty to harmonise its legislation with the human rights instruments it has ratified, and they provide key opportunities for prohibiting corporal punishment of children. In Europe and in South Asia additional pressure for reform comes from intergovernmental campaigns for the prohibition and elimination of corporal punishment in all states in the region (see box on page 4).

Unfortunately, too often new laws are enacted which fail to achieve legal protection for children from corporal punishment. Since 2006, when the recommendations of the UN Study on Violence against Children – including to prohibit corporal punishment in all settings – were presented to the UN General Assembly, over a third of UN member states have enacted laws on domestic violence, but only in a tiny minority do they prohibit violent punishment of children in the home. Surely, notions of "family protection", "zero tolerance to domestic violence" and "violence free" homes are incompatible with legal tolerance of physical punishment of children. More than a quarter of states have enacted major child protection/ children's rights laws during the period – around half of these protect children from corporal punishment in at least one setting, but many are silent on the issue and a minority actually authorise corporal punishment of children.

Physical and other humiliating punishment of children has long been accepted as an element of "disciplining" children, often supported by particular interpretations of religious texts promoted among some faith-based communities. So it is vital there is clarity in law that all forms of corporal punishment, without exception, are prohibited in all settings – in the home, alternative care settings, day care, schools, penal institutions and as a sentence for crime.

The Global Initiative routinely monitors opportunities for enacting prohibiting legislation presented by ongoing law reform in all regions. At the time of writing (May 2014), there are such opportunities in over 120 states, including in 40 of the 46 states which have publicly committed to prohibition in all settings. Our research finds that bills which include prohibition are under discussion in 34 states. **Immediate advocacy is needed to ensure that the prohibiting clauses are retained in the laws as they are adopted and to lobby for inclusion of prohibition in draft laws/Bills in other states. The Global Initiative will freely provide technical support and assistance: email info@endcorporalpunishment.org**.



How states can work collaboratively towards universal prohibition of violent punishment of children

PROMOTE the rights-based case for prohibition: that all children have the right to full respect for their human dignity and physical integrity and to equal protection under the law

HIGHLIGHT the injustice, danger and inhumanity of laws which provide children with less protection from interpersonal violence than adults

RAISE the issue systematically in the Universal Periodic Review through questions and recommendations addressed to states which have not achieved full prohibition

WORK towards an explicit commitment to prohibit and eliminate corporal punishment and other cruel or degrading punishment of children in UN General Assembly and Human Rights Council resolutions

PROMOTE the inclusion of goals on ending violence against children, including prohibition of violent punishment, in the post-2015 development framework

WORK within regional intergovernmental organisations to encourage explicit campaigns against violent punishment and highlight the urgency of the issue for children

CONSIDER offering technical assistance and support with prohibition and elimination through embassies and other representations

ENSURE that international/regional/national moves to challenge domestic/family violence logically include advocacy to prohibit and eliminate violence – including corporal punishment – towards children in the family

ADVOCATE the importance of prohibiting and eliminating corporal punishment from a variety of perspectives including gender and disability; also health and public health, early years care and development, education without violence

SUPPORT wide global dissemination of key documents and recommendations, including the Committee on the Rights of the Child's General Comment No. 8 on *The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment*

DISSEMINATE regionally and internationally research demonstrating both the scale and harmful impact of corporal punishment and the positive impact of prohibiting and eliminating it

PLAN and put into practice government-led, population-level measures to raise awareness of and implement the prohibition of violent punishment, and disseminate information on these measures and their success to provide a model for other states

The obligation under human rights law to prohibit all corporal punishment

International human rights law puts an obligation on states which have ratified the relevant human rights instruments to prohibit and eliminate all corporal punishment of children. As states have reported to the monitoring bodies of these treaties, those bodies have repeatedly raised the issue of corporal punishment and have reminded governments that it must be abolished, including through law reform.

To date (May 2014), the **Committee on the Rights of the Child** has made 364 observations/recommendations on corporal punishment to 188 states. In 2006, the Committee expounded its interpretation of the Convention as requiring complete abolition of corporal punishment, including in the home, in its 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)".

> *"... All States have criminal laws to protect citizens from assault. Many have constitutions and/or legislation reflecting international human rights standards and article 37 of the Convention on the Rights of the Child, which uphold 'everyone's' right to protection from torture and cruel, inhuman or degrading treatment or punishment. Many also have specific child protection laws that make 'ill-treatment' or 'abuse' or 'cruelty' an offence. But the Committee has learned from its examination of States' reports that such legislative provisions do not generally guarantee the child protection from all corporal punishment and other cruel or degrading forms of punishment, in the family and in other settings.*
>
> *"In its examination of reports, the Committee has noted that in many States there are explicit legal provisions in criminal and/or civil (family) codes that provide parents and other carers with a defence or justification for using some degree of violence in 'disciplining' children. For example, the defence of 'lawful', 'reasonable' or 'moderate' chastisement or correction has formed part of English common law for centuries, as has a 'right of correction' in French law. At one time in many States the same defence was also available to justify the chastisement of wives by their husbands and of slaves, servants and apprentices by their masters. 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.*
>
> *"In the light of the traditional acceptance of violent and humiliating forms of punishment of children, a growing number of States have recognized that simply repealing authorization of corporal punishment and any existing defences is not enough. In addition, explicit prohibition of corporal punishment and other cruel or degrading forms of punishment, in their civil or criminal legislation, is required in order to make it absolutely clear that it is as unlawful to hit or 'smack' or 'spank' a child as to do so to an adult, and that the criminal law on assault does apply equally to such violence, regardless of whether it is termed 'discipline' or 'reasonable correction'.*
>
> *"Once the criminal law applies fully to assaults on children, the child is protected from corporal punishment wherever he or she is and whoever the perpetrator is...."*
>
> Committee on the Rights of the Child (2006), General Comment No. 8, paras. 30, 31, 34 and 35

Other UN treaty monitoring bodies have repeatedly raised the issue of corporal punishment of children in examining state parties on implementation of their respective treaties and many have gone on to include observations/recommendations on corporal punishment in the concluding observations published following the review. These include the **Human Rights Committee**, the **Committee on Economic, Social and Cultural Rights**, the **Committee Against Torture**, the **Committee on the Elimination of Discrimination Against Women** and the **Committee on the Rights of Persons with Disabilities**.

> *"Children have had to wait the longest to be given equal legal protection from deliberate assaults – a protection the rest of us take for granted. It is extraordinary that children, whose developmental state and small size is acknowledged to make them particularly vulnerable to physical and psychological harm, have been singled out for less protection from assaults on their fragile bodies, minds and dignity."*
>
> Thomas Hammarberg, former Commissioner for Human Rights, Council of Europe

Regional treaty monitoring bodies emphasise that states have an obligation to prohibit and eliminate corporal punishment of children under the regional human rights instruments to which they are a party, in addition to the UN treaties they have ratified. Since 2009, the **African Committee of Experts on the Rights and Welfare of the Child** has raised the issue of corporal punishment when examining implementation of the African Charter on the Rights and Welfare of the Child in a number of states. In 2011, the then Chairperson of the Committee Mrs Agnès Kaboré issued a statement on violence against children, including calling for corporal punishment to be "publicly condemned and eliminated".

> *"... The Committee of Experts calls for the firm engagement of African States, at the highest level, to support the eradication of all forms of violence against children. In many countries in the continent, don't we find that society still tolerates and sometimes condones certain recurrent forms of violence against children, especially in families? However, no tradition, religion, belief, economic situation or educational method should justify these practices.... A clear and unambiguous rejection of all forms of violence, even moderate ones, against children should be encouraged by society as a whole. The notions deeply rooted in the social and cultural norms and traditions which accept, tolerate and indeed encourage violence, including sexist clichés, racial or ethnic discrimination, the acceptance of corporal punishment and other harmful traditional practices should be publicly condemned and eliminated. The harmful consequences that all forms of violence can have on children should be widely publicised.*
>
> *"... it is necessary to continue to incorporate the provisions of the Convention on the Rights of the Child which guarantee the best interest of the child in the domestic laws of each country, particularly in relation to the deep concerns raised with regards to corporal punishment of children...."*
>
> African Committee of Experts on the Rights and Welfare of the Child (2011), *Statement on violence against children*

In Europe, the **European Court of Human Rights** has progressively condemned corporal punishment of children in a series of cases since the 1970s brought against the UK under the European Convention for the Protection of Human Rights and Fundamental Freedoms, first concerning corporal punishment as a sentence of the courts, then as a punishment in schools and in the home. The **European Committee of Social Rights** systematically pursues the issue with states and regularly concludes that states in which the law does not prohibit all corporal punishment are in breach of the European Social Charter and the Revised Social Charter. In 2001, the Committee issued a general observation clarifying its condemnation of the legality and practice of corporal punishment. It has also reviewed in detail the legislation relevant to corporal punishment in a number of states in response to "collective complaints" brought under the Additional Protocol to the Social Charter. In 2004 the **Parliamentary Assembly of the Council of Europe** called for a Europe-wide ban, and in 2009 the **European Parliament** adopted a resolution calling for prohibition of corporal punishment in all European Union member states which had not yet achieved the necessary law reform.

> *"Striking a human being is prohibited in European society and children are human beings. The social and legal acceptance of corporal punishment of children must be ended."*
>
> Parliamentary Assembly of the Council of Europe, Recommendation 1666 (2004)

> *"The Committee does not find it acceptable that a society which prohibits any form of physical violence between adults would accept that adults subject children to physical violence."*
>
> European Committee of Social Rights (2001), General observation regarding articles 7 (para. 10) and 17, *Conclusions XV-2*, Vol. 1, General Introduction, pp. 28 and 29

Collective complaints under the Additional Protocol to the European Social Charter

In 2003, the World Organisation against Torture (OMCT) submitted collective complaints against five states to the European Committee of Social Rights on the grounds that they had not explicitly prohibited all corporal punishment in the family. After reviewing the evidence, the Committee concluded that three states – Greece, Belgium and Ireland – were in breach of the Charter because of their failure to ban corporal punishment. In the cases of Italy and Portugal, the Committee found that because there had been judgments of the highest courts condemning corporal punishment – from Italy's Court of Cassation and Portugal's Supreme Court – the legal situation was not in breach.

However, in 2006 Portugal's Supreme Court issued another judgment, this time stating that corporal punishment was not only lawful but necessary. A second collective complaint against Portugal was submitted by OMCT and this time the Committee found the law to be inadequate and Portugal to be in breach of the Social Charter. The Committee stated that to comply with article 17 of the Charter "states' domestic law must prohibit and penalise all forms of violence against children, that is acts or behaviour likely to affect the physical integrity, dignity, development or psychological well being of children" and that "the relevant provisions must be sufficiently clear, binding and precise, so as to preclude the courts from refusing to apply them to violence against children. Moreover, states must act with due diligence to ensure that such violence is eliminated in practice" (*World Organisation against Torture (OMCT) v Portugal*, Collective complaint No. 34/2006, Decision on the Merits of 5 December 2006, §§19-21). Portugal quickly reformed its legislation to ban all corporal punishment.

In 2013, complaints against seven European states – Belgium, Cyprus, Czech Republic, Slovenia, Italy, Ireland and France – were submitted under the collective complaints procedure by the Association for the Protection of All Children (APPROACH) Ltd, alleging that the laws in these states do not prohibit all corporal punishment of children. The complaints were registered by the European Committee on 4 February and were declared admissible on 2 July 2013. Cyprus has subsequently amended its legislation to completely repeal the right "to administer punishment" that was found to have remained on the statute book despite the enactment of prohibition of corporal punishment in 1994. Decisions on the complaints are expected late in 2014 or 2015 (for details, see www.coe.int/t/dghl/monitoring/socialcharter/Complaints/Complaints_en.asp).

In response to a request by the **Inter-American Commission on Human Rights**, the Inter-American Court of Human Rights in 2008 confirmed that children have a right to protection in the private and the public spheres and that this requires legislative as well as other measures. In 2009, the office of the then Rapporteur on the Rights of the Child in the Commission, Professor Paulo Pinheiro, published a thematic report on corporal punishment, calling on member states of the Organisation of American States to prohibit corporal punishment in all settings, including the home, and pledging the Commission's commitment to supporting state members in eradicating corporal punishment of children and adolescents.

> *"OAS member states [should] act immediately on the problem of corporal punishment by placing explicit and absolute legal bans on its use in all contexts and, in parallel, by adopting such preventive, educational, and other measures that may be necessary to ensure the eradication of this form of violence, which poses a serious challenge to the wellbeing of children in the Hemisphere."*
>
> Inter-American Commission on Human Rights (2009), *Report on Corporal Punishment and Human Rights of Children and Adolescents*, para. 3

Corporal punishment and the Universal Periodic Review

States' overall human rights records are reviewed under the Universal Periodic Review process. It is indicative of the seriousness of corporal punishment as a violation of children's fundamental human rights that the issue is regularly raised during these reviews and recommendations made to prohibit and eliminate it.

Of the 156 UN member states which have not yet achieved law reform, over 100 have received recommendations to prohibit corporal punishment during their review(s). More than 50 states have accepted these recommendations. Some Governments have accepted the recommendations but also made remarks suggesting they consider existing law is adequate: this indicates the need for further advocacy and awareness raising on particular aspects of prohibition. The majority of states – 34 to date – have accepted recommendations unequivocally, indicating a firm commitment to reforming their laws. A minority of states (29) have rejected recommendations to prohibit corporal punishment with a very small number of these openly defending corporal punishment; others have given no clear response.

Twenty states have been reviewed in both first and second UPR cycles but have not received recommendations to prohibit corporal punishment even though it is lawful

- Afghanistan
- Bahrain
- Brazil
- Burundi
- Cambodia
- Central African Republic
- China
- Colombia
- Cuba
- Mali
- Mexico
- Monaco
- Nigeria
- Pakistan
- Russian Federation
- Senegal
- Sri Lanka
- Uzbekistan
- Vanuatu
- Viet Nam

Recommendations to prohibit corporal punishment have been accepted by 53 states

States clearly accepting recommendations to prohibit corporal punishment (34 states):

- Algeria
- Armenia
- Azerbaijan
- Belize
- Benin
- Bolivia
- Cape Verde
- Ecuador
- El Salvador
- Estonia
- India
- Lithuania
- Mongolia
- Montenegro
- Morocco
- Nicaragua
- Palau
- Panama
- Papua New Guinea
- Peru
- Philippines
- Samoa
- San Marino
- Sao Tome and Principe
- Serbia
- Slovakia
- Slovenia
- South Africa
- Tajikistan
- Thailand
- Timor-Leste
- Turkey
- Zambia
- Zimbabwe

States accepting recommendations to prohibit corporal punishment without suggesting commitment to full law reform (19 states):

- Andorra
- Argentina
- Bangladesh
- Belarus
- Dominican Republic
- France
- Ghana
- Guatemala
- Jamaica
- Japan
- Jordan
- Kuwait
- Kyrgyzstan
- Lesotho
- Niger
- Republic of Korea
- Rwanda
- Seychelles
- Solomon Islands

Recommendations to prohibit corporal punishment have been rejected by 29 states

- Antigua and Barbuda
- Australia
- Barbados
- Belgium
- Botswana
- Burkina Faso
- Cameroon
- Canada
- Chad
- Czech Republic
- Dominica
- Eritrea
- Ethiopia
- Georgia
- Grenada
- Indonesia
- Italy
- Malaysia
- Myanmar
- Saudi Arabia
- Singapore
- St Lucia
- St Vincent and the Grenadines
- Sudan
- Switzerland
- Tonga
- Trinidad and Tobago
- UK
- UR Tanzania

21 states have not responded clearly to recommendations to prohibit corporal punishment:

- Bahamas
- Bhutan
- Brunei Darussalam
- Comoros
- Djibouti
- Gabon
- Guyana
- Ireland
- Kiribati
- Libyan Arab Jamahiriya
- Malawi
- Maldives
- Mauritania
- Mauritius
- Qatar
- St Kitts and Nevis
- Suriname
- Swaziland
- Tuvalu
- United Arab Emirates
- Yemen

The UPR process is undoubtedly having a major impact on accelerating progress towards universal prohibition of violent punishment of children. The commitment of members of the working group of the Human Rights Council to pursuing the issue of corporal punishment when states are reviewed has kept the issue high on the human rights agenda internationally and nationally, maintaining pressure on states to fulfil their human rights obligations towards children and reinforcing the authority of treaty bodies and other human rights mechanisms. The identification of governments committed to law reform, as well as of those unclear on what it entails and even those which are resistant to it, helps to target further advocacy at national level, engaging governments and civil society in the process of law reform to prohibit all corporal punishment.

However, it is a matter of deep concern that some states which have not prohibited corporal punishment of children have now been reviewed in both first and second cycles of the UPR without recommendations to prohibit being made (see list on page 12). Thirty-two states where corporal punishment is lawful did not receive recommendations to prohibit during their first cycle review but have not yet been reviewed in the second cycle: it is vital that the opportunity is taken during the second cycle review of these states to hold them to account for their lack of progress in ending this serious violation of children's rights.

Prohibiting all corporal punishment of children

Children not currently protected from all corporal punishment	Why the law must be changed	How the law must be changed to prohibit all corporal punishment
Current legislation and common law/case law confirms that parents and others have a right or duty to punish/discipline children ("right of correction", "reasonable chastisement", "justifiable correction")	These provisions are legal defences for using corporal punishment; their existence means that children do not have the same legal protection from assault that adults have	These provisions should be explicitly repealed - i.e. they should be removed from the law and a new provision enacted which confirms that there is no legal defence for punitive or "disciplinary" assault of a child
Current legislation authorises and regulates corporal punishment	Corporal punishment breaches children's rights to physical integrity, respect for their human dignity and equal protection under the law, however strictly it is regulated	These provisions should be repealed and a new provision enacted prohibiting corporal punishment
Current legislation does not authorise corporal punishment - it is "silent" on the issue	The near universal acceptance of some degree of violence in childrearing and education means that unless the law says otherwise, corporal punishment of children is perceived as acceptable	Legislation should be enacted which prohibits all forms of corporal punishment in all settings, without exception
Policy and/or ministerial directives state that corporal punishment should not be used	Policy is not law - and policy against corporal punishment is undermined by legislation which condones it; states have an obligation under human rights law to enact legislation which prohibits corporal punishment	

Faith-based support for prohibition

Faith-based support for reform is an integral part of the global movement for prohibition of all corporal punishment of children. Growing numbers of religious communities and organisations consider ending legalised violence against children to be both a moral and religious imperative. For many religious communities this involves changing an often deeply entrenched culture of acceptance of physical punishment and challenging those who use their sacred texts and teachings to justify it.

Universal and religious values of compassion, justice, equality and non-violence transcend theological and denominational differences and form a basis for multi-religious cooperation towards eliminating violence against children. There are also many examples of religious communities working in solidarity with secular organisations, bound by a shared respect for human dignity and a strong commitment to human rights.

One of the most significant faith-based actions in support of the UN Secretary General's World Report on Violence against Children (2006) is the Kyoto Declaration – "A Multi-Religious Commitment to Confront Violence against Children". This was the outcome of a global consultation of religious leaders from all the major world religions, convened by Religions for Peace and UNICEF in Toledo, Spain. The Declaration was ratified at the Eighth World Assembly of Religions for Peace in Kyoto, Japan, in 2006 and continues to serve as a guide for broadening multi-religious support for prohibition and elimination of violence against children. Article 6 states:

> *"We call upon our governments to adopt legislation to prohibit all forms of violence against children, including corporal punishment, and to ensure the full rights of children, consistent with the Convention on the Rights of the Child and other international and regional agreements. We urge them to establish appropriate mechanisms to ensure the effective implementation of these laws and to ensure that religious communities participate formally in these mechanisms. Our religious communities are ready to serve as monitors of implementation, making use of national and international bodies to maintain accountability."*

For the first time in its history the World Council of Churches (WCC) held Ecumenical Conversations on the Churches' Advocacy for Children's Rights at the 10th Assembly entitled: "God of Life: Lead Us to Justice and Peace", held in Busan, Korea, in 2013. An open statement – "Putting Children at the Center" – was endorsed by ecumenical bodies, alliances and child rights advocates who took part in the conversations:

> *"In the accomplishment of God's mission our churches, ecumenical bodies, interfaith networks, NGOs and inter-governmental organisations have to respond to the ethical, moral and spiritual imperative to uphold children's dignity by:*
>
> - *encouraging positive non-violent parenting where children can grow in an atmosphere of respect, love and compassion;*
> - *working with others in the global movement to prohibit and eliminate corporal punishment of children;*
> - *using the scriptures to promote peace, justice and non-violence in living with children;*
> - *building partnerships with inter-government organisations, ecumenical partners and other faith communities and networks and alliances for promoting children's rights."*

In 2009, a conference was organised in Egypt by the Ministry of State for Family and Population and co-sponsored by the then Organisation of the Islamic Conference (OIC, now known as the Organisation of Islamic Cooperation), to mark the 20th anniversary of the Convention on the Rights of the Child and to renew the commitment of OIC member states to its implementation. The resulting Cairo Declaration on the Convention (CRC) and Islamic Jurisprudence called for prohibition of corporal punishment:

> *"Participants to the Conference recommend that OIC Member States prohibit all corporal punishment and other cruel or degrading forms of punishment or treatment of children, in all settings including within schools and within the family, linking law reform with the promotion of positive, non-violent forms of discipline."*

> *"Islam views all human life as a sacred gift from God. Islam does not advocate any violence against children. Corporal punishment and other forms of humiliating treatment of children conflict directly with the advice of the Prophet.*
>
> *"We are available to put our faith into action and to speak out on behalf of all children who endure corporal punishment. There are no circumstances under which this harmful, humiliating practice can be justified either in the name of religion, in the guise of discipline or through the sacred texts and the tenets of our faith."*
>
> Statement in support of legal reform by prominent Muslim leaders in the UK, 2012

Other high-level faith-based statements in support of prohibition and elimination of corporal punishment include the following:

- Resolutions from the 9th All Africa Conference of Churches General Assembly Report, 6-12 December, 2008, Maputo, Mozambique, http://tinyurl.com/l3mjd3h
- Submission by the Southern African Catholic Bishops' Conference Parliamentary Liaison Office on The Use of Corporal Discipline in the Home, 25 June 2013, http://tinyurl.com/mxaj6av
- Removing the loophole: Anglican bishops support repeal of Section 59, Statement in support of law reform in New Zealand, 1 May 2007, http://tinyurl.com/mtlp9k4
- Christian statement supporting legislation to end corporal punishment of children, by Christian leaders in the Caribbean, 2012, in http://tinyurl.com/n7krosy (p.20)

For further information on all aspects of faith-based support for prohibition, and to download *Ending corporal punishment of children – a handbook for working with and within religious communities*, see the website of the Churches' Network for Non-violence, http://churchesfornon-violence.org.

> *"We believe that the adoption of legislation to prohibit corporal punishment of children in all settings is a crucial step towards a compassionate, non-violent society….*
>
> *"Some Christian groups use their religion to justify physical punishment and may argue that it is sanctioned in scriptural texts such as in Proverbs 13:24: 'Those who spare the rod hate their children, but those who love them are diligent to discipline them.' But it is not appropriate to take such texts out of their ancient cultural context to justify violence towards children. As Christians, our reading of the Bible is done in the light of Jesus' teaching and example. Jesus treated children with respect and placed them in the middle of the group, as in Mark 9:37: 'Whoever welcomes one such child in my name welcomes me.'"*
>
> Caribbean Christian leaders (from Aruba, Guyana, Jamaica and the Cayman Islands) in a statement in support of law reform, 2012

Research on corporal punishment

A fully referenced version of this section is available, email elinor@endcorporalpunishment.org.

The huge scale of violent punishment

Enormous numbers of children are subjected to painful and humiliating physical punishment in their own homes. UNICEF statistics collected between 2005 and 2012 in more than 50 low- and middle-income countries show that in nearly all of them, large majorities of children experience "violent discipline". In more than half the states, over 80% of children had experienced physical punishment and/or psychological aggression at home in the month prior to the surveys. Across West and Central Africa, the average was 90% and in the Middle East and North Africa 89% (UNICEF (2014), *The State of the World's Children 2014 in Numbers: Every Child Counts*, NY: UNICEF). In the Caribbean, nearly all studies on the topic in the past ten years have found that large majorities of the children involved experienced corporal punishment.

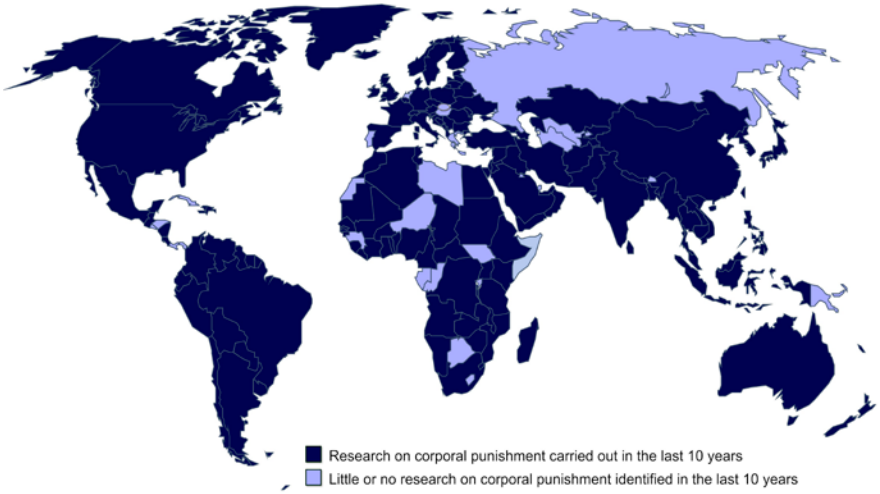
Similar results are found in high-income countries: in a 2007 study in Australia, 71% of parents "smacked" their children sometimes, while a 2010 study in the USA found that 65% of three year olds had been "spanked" in the past month and a 2013 study found that 81% of parents thought spanking was sometimes appropriate. In France, a 2007 study found that 87% of parents had at some time slapped their child on the bottom and 72% in the face. In Ireland, 2013 research found that 62% of parents had slapped their child at some time.

In addition to being hit with hands or objects, children also experience a wide range of other violent, cruel and degrading treatment. For example, in research in 2006 in eight countries in South East Asia, children reported being punished by being given electric shocks, having their heads submerged in water, having their joints twisted, being forced to the ground, being pinched, having their hair pulled, being scratched and having adults stomp on their stomachs.

Corporal punishment continues to be inflicted on children by teachers and other school staff in states in all regions. States in which studies have documented a high prevalence of school corporal punishment include Belgium (2011), Benin (2009), Dominica (2009) and Iraq (2008). In a 2010 study in Malaysia, students reported being slapped, pinched, having their hair pulled and being forced to do repetitive physical activity as a punishment at school.

Corporal punishment is widespread in care settings, including institutional and foster care, and the penal system. In Georgia, studies in 2011 and 2012 found that corporal punishment was widespread in residential institutions, group homes, foster care and day care centres. In Kazakhstan reports in 2009 and 2011 showed that violent punishment of children in "orphanages", other residential institutions, shelters, police custody and prisons was common. In Brazil, a 2012 report documented children being beaten with hands and objects in police custody, pre-trial detention facilities and penal institutions.

Research into corporal punishment of children*



*Based on information held by the Global Initiative, May 2014

Fully referenced summaries of studies on the prevalence of and attitudes towards corporal punishment of children in more than 160 states worldwide are available on the Global Initiative's website at www.endcorporalpunishment.org.

Violent punishment of children: effects and associations

Violent punishment of children is linked with and contributes to other forms of violence at all levels in society. An overwhelming body of evidence shows the negative impact of corporal punishment on children and adults. And the legal and social acceptance of corporal punishment perpetuates children's low social status and their unequal power relationships with adults, making other violations of their rights more likely.

Evidence of the relationship of corporal punishment to other rights violations lends extra force to the call for prohibition. It illustrates how legal protection from all violent punishment is key not only to protecting children from violence but also to raising their social status and advancing all their other rights. This section summarises research showing some of the negative effects of corporal punishment and the links between corporal punishment and other violations of the rights of children and adults.

Child "abuse". The purported distinction between "ordinary" physical punishment and physical "abuse" of children is meaningless: no line can or should be drawn between "acceptable" and "unacceptable" violence against children. Socially accepted corporal punishment and socially unacceptable physical "abuse" of children lie on a continuum of violence. Research shows how "light smacks" can all too easily escalate to more violent assault. The majority of incidents substantiated by authorities as abuse occur in the context of punishment, and children who experience "ordinary" corporal punishment are more likely to experience physical "abuse". Similarly, physical punishment is closely connected with emotional and psychological abuse. Corporal punishment is humiliating and emotionally painful and is associated with other psychological violence, including verbal abuse.

Intimate partner violence. Corporal punishment is closely related to intimate partner violence and often coexists with it. Acceptance of the use of violence to punish and control children makes acceptance of other family violence more likely. Experience of corporal punishment as a child is associated with an increased risk of involvement in intimate partner violence as an adult as both perpetrator and victim.

Damage to the child-parent relationship. Studies consistently find associations between corporal punishment and a decrease in the quality of child-parent relationships, including poor attachment by babies to their mothers and poor family relationships in adolescence and young adulthood.

Increased aggression in children. There is abundant evidence that violent punishment is associated with increased aggression in children. Children who have experienced corporal punishment are more likely to be aggressive towards their peers and parents, to bully and to experience violence from their peers and to use violent methods to resolve conflict.

Increased violence in adults. Childhood experience of corporal punishment is associated with aggressive, antisocial and criminal behaviour in adulthood. Corporal punishment perpetuates itself: adults who experience it as children are more likely to inflict it on their own children.

Poor mental health. Corporal punishment is associated with a decrease in children's mental health, including with behaviour disorders, anxiety disorders, depression, hopelessness, suicide attempts, alcohol and drug dependency, low self-esteem, hostility and emotional instability. Similar associations have been found in adulthood, as well as associations with major depression, mania and personality disorders.

Poor physical health. Associations have been found between corporal punishment and children feeling their health is poor and experiencing physical illnesses such as asthma and migraine. The effect may continue into adulthood: studies have found associations with developing cancer, asthma or cardiac disease as an adult and with alcohol-related problems.

Impaired cognitive development. Associations have been found between corporal punishment and lower IQ scores, smaller vocabularies, poor cognitive abilities and poor performance at school.

For a detailed and fully referenced summary of research showing the negative effects of corporal punishment, see www.endcorporalpunishment.org.

The impact of prohibition: fewer children subjected to violent punishment

Research comparing the prevalence of and attitudes towards corporal punishment before and after law reform is available in only a handful of the countries which have achieved prohibition of all corporal punishment including in the home. In some states, no research has directly asked children about their experiences; in others, different questions or different samples have been used in studies carried out before and after prohibition. Nonetheless, evidence of changes in attitudes and practice is strong. This section highlights this evidence in some countries which have reformed their laws to prohibit all corporal punishment of children.

Sweden (full prohibition achieved in 1979): In the 1970s, around half of children were smacked regularly; this fell to around a third in the 1980s, and a few per cent after 2000. Studies carried out since 2000 show very low rates of approval of corporal punishment among children and adults.

Finland (full prohibition achieved in 1983): In 2008, 32% of children had experienced "mild" punitive violence from their parents, compared to 72% in 1988. A series of six nationally representative surveys show a consistent decline in adult acceptance of corporal punishment, from 47% in 1981 to 17% in 2012. A 2014 study found that the proportion of people who were slapped and beaten with an object during childhood decreased after corporal punishment was prohibited.

Austria (full prohibition achieved in 1989): A 2013 study found that 18-29 year olds, who grew up mostly after prohibition, were less likely to have been slapped or smacked on the bottom by their parents than people over the age of 30.

Germany (full prohibition achieved in 2000): In 2001, just over a quarter of parents reported they had hit their child's bottom, compared with a third in 1996. In 2002, 3% of young people reported they had been "thrashed," compared to 30% in 1992.

Romania (full prohibition achieved in 2004): In 2001, 84% of children said their parents hit them with a hand without leaving a mark; by 2012, this had fallen to 62%. The proportion of children reporting their parents hitting them with objects decreased from 29% in 2001 to 18% in 2012.

New Zealand (full prohibition achieved in 2007): In 2013, 40% of respondents thought it was sometimes alright for parents to physically punish children, compared to 58% in 2008, more than 80% in 1993 and more than 90% in 1981. The proportion of parents with children under 18 who thought it was alright to use physical punishment fell from 62% in 2008 to 35% in 2013.

Poland (full prohibition achieved in 2010): In research from 2013, 60% of respondents agreed that "there are situations when a child needs to be smacked", compared to 68% in 2012, 69% in 2011 and 78% in 2008. In 2013, 33% disagreed with the statement, compared to 29% in 2012, 27% in 2011 and 19% in 2008.

For a detailed summary of research into the impact of Sweden's ban on corporal punishment, see *Never Violence – Thirty Five Years on from Sweden's Abolition of Corporal Punishment*, at resourcecentre.savethechildren.se. For more details and references of research on the prevalence of and attitudes towards corporal punishment of children in states which have achieved prohibition, see the research pages and the detailed individual country reports at www.endcorporalpunishment.org.

Legality of corporal punishment: state by state analysis (May 2014)

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

Overseas territories, etc: The Global Initiative also monitors the legal status of corporal punishment of children in all overseas territories etc. For individual reports on each one, see www.endcorporalpunishment.org.

States with full prohibition in legislation

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

Albania (2010)
Austria (1989)
Bulgaria (2000)
Congo, Republic of (2010)
Costa Rica (2008)
Croatia (1998)
Cyprus (1994)
Denmark (1997)
Finland (1983)
Germany (2000)
Greece (2006)
Honduras (2013)
Hungary (2004)
Iceland (2003)
Israel (2000)
Kenya (2010)
Latvia (1998)
Liechtenstein (2008)
Luxembourg (2008)
Malta (2014)
Netherlands (2007)
New Zealand (2007)
Norway (1987)
Poland (2010)
Portugal (2007)
Republic of Moldova (2008)
Romania (2004)
South Sudan (2011)
Spain (2007)
Sweden (1979)
TFYR Macedonia (2013)
Togo (2007)
Tunisia (2010)
Turkmenistan (2002)
Ukraine (2003)
Uruguay (2007)
Venezuela (2007)

Corporal punishment unlawful by Supreme Court ruling

In the following states, Supreme Court rulings have declared corporal punishment to be unlawful in all settings, including the home, but these are not yet reflected in legislation:

Italy (1995)
Nepal (2005)

Nepal is committed to law reform; Italy is yet to make a public commitment to enacting prohibition.

States expressing commitment to law reform in the UPR and other contexts

Governments in the following 45 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.

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[1]	NO	NO	SOME[2]	YES	NO	NO[3]
Algeria[4]	NO	NO	NO	YES	NO	YES
Armenia[5]	NO	SOME[6]	NO	YES	YES[7]	YES
Azerbaijan[8]	NO	NO	NO	YES	YES	YES
Bangladesh[9]	NO	NO	NO	YES[10]	NO	NO
Belize[11]	NO	SOME[12]	SOME[13]	YES	SOME[14]	YES
Benin[15]	NO	NO	NO	NO[16]	NO	YES
Bhutan[17]	NO	NO	NO	NO[18]	[YES][19]	YES
Bolivia[20]	NO	NO	NO	YES	NO	SOME[21]
Brazil[22]	NO	NO	NO	NO	NO	YES
Burkina Faso[23]	NO	NO	SOME[24]	SOME[25]	[YES][26]	YES
Cape Verde[27]	NO	SOME[28]	SOME[29]	YES	YES	YES
Ecuador[30]	NO	NO	SOME[31]	YES	YES	SOME[32]
El Salvador[33]	NO	NO	SOME[34]	YES	YES	YES

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
2 Prohibited in pre-school provision
3 Lawful under Shari'a law
4 Government accepted UPR recommendation to prohibit in all settings (2012)
5 Government accepted UPR recommendation to prohibit (2010); draft legislation which would prohibit under discussion (2014)
6 Unlawful in care institutions but possibly no explicit prohibition
7 But no explicit prohibition
8 Government accepted UPR recommendations to prohibit (2009, 2013); draft legislation which would prohibit under discussion (2013)
9 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)
10 Unlawful under 2011 Supreme Court ruling, still to be confirmed in legislation
11 Government accepted UPR recommendation to prohibit (2009)
12 Prohibited in residential care facilities
13 Prohibited in day care centres
14 Prohibited in "Youth Hostel" detention centre
15 Government accepted UPR recommendation to prohibit in all settings (2012); draft legislation which would prohibit under discussion (2014)
16 Government circular advises against corporal punishment but no prohibition in law
17 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
18 Code of Conduct and ministerial directives state corporal punishment should not be used but no prohibition in law
19 Possibly prohibited in Child Care and Protection Act 2011
20 Government accepted UPR recommendation to prohibit (2010); draft legislation which would prohibit under discussion (2014)
21 Prohibited in state laws but lawful in indigenous and tribal justice systems
22 Commitment made by former President Lula da Silva, confirmed by current President Dilma Rousseff and Minister for Human Rights Maria do Rosario; Bill which would prohibit under discussion (2014)
23 Draft legislation which would prohibit under discussion (2014)
24 Prohibited in pre-school education settings
25 Prohibited in primary schools
26 But no explicit prohibition and law permits use of force "in case of apathy following orders"
27 Government accepted UPR recommendations to prohibit in all settings (2008, 2013)
28 Prohibited in care institutions
29 Prohibited in institutions
30 Government accepted UPR recommendation to prohibit in all settings (2012)
31 Prohibited in preschool provision
32 Lawful in indigenous communities
33 Government accepted UPR recommendation to prohibit in all settings (2010)
34 Prohibited in preschool provision

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
Estonia[35]	NO	NO	[SOME][36]	YES[37]	YES	YES
India[38]	NO	SOME[39]	NO	SOME[40]	SOME[41]	SOME[42]
Lithuania[43]	NO	NO	SOME[44]	YES	YES	YES
Maldives[45]	NO	NO	NO	NO[46]	NO	NO
Mauritius[47]	NO	NO	[SOME][48]	YES	NO	YES
Mongolia[49]	NO	NO	[SOME][50]	YES	NO	YES
Montenegro[51]	NO	NO	SOME[52]	YES	YES[53]	YES
Morocco[54]	NO	NO	NO	NO[55]	YES	YES
Nicaragua[56]	NO	NO	[SOME][57]	YES	YES	YES
Niger[58]	NO	NO	NO	NO[59]	NO	YES
Pakistan[60]	NO	NO	NO	SOME[61]	SOME[62]	SOME[63]
Palau[64]	NO	NO	NO	NO	NO	YES
Panama[65]	NO	NO	NO	NO	YES	YES
Papua New Guinea[66]	NO	SOME[67]	NO	NO	NO	YES
Peru[68]	NO	NO	[SOME][69]	YES[70]	NO	YES
Philippines[71]	NO	YES	YES	YES	YES	YES

35 Government accepted UPR recommendation to prohibit (2011); draft legislation which would prohibit under discussion (2014)
36 Possibly unlawful in preschool provision
37 But no explicit prohibition
38 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)
39 Prohibited in care institutions except in Jammu and Kashmir
40 Prohibited for 6-14 year olds except in Jammu and Kashmir; not prohibited in religious schools
41 Not prohibited in Jammu and Kashmir
42 Permitted in traditional justice systems
43 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)
44 Prohibited in preschool provision
45 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
46 Ministry of Education advises against corporal punishment but no prohibition in law
47 Bill which would prohibit under discussion (2014)
48 Possibly unlawful in preschool provision
49 Government accepted UPR recommendation to prohibit (2010); legislation which would prohibit being drafted (2014)
50 Possibly prohibited in preschool settings
51 Government accepted UPR recommendations to prohibit in all settings (2013)
52 Prohibited in the provision of preschool education
53 But possibly no explicit prohibition
54 Government accepted UPR recommendation to prohibit in all settings (2012)
55 Ministerial direction advises against corporal punishment but no prohibition in law
56 Government accepted UPR recommendation to prohibit in all settings (2010, 2014); right of correction removed from Penal Code in 2012; legislation which would prohibit under discussion (2014)
57 Possibly prohibited in preschool provision
58 Draft legislation which would prohibit under discussion (2014)
59 Ministerial Order states corporal punishment should not be used but no prohibition in law
60 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; draft legislation under discussion (2014)
61 Prohibited for 5-16 year olds in Islamabad Capital Territory, Sindh province and possibly Balochistan province
62 Prohibited in Juvenile Justice System Ordinance 2000 but this not applicable in all areas and other laws not amended/repealed
63 Lawful under Shari'a law
64 Government accepted UPR recommendation to prohibit (2011)
65 Government accepted UPR recommendation to prohibit (2010)
66 Government accepted UPR recommendation to prohibit in all settings (2011)
67 Lukautim Pikinini (Child) Act 2009 prohibits corporal punishment of children "in the care of the Director"
68 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)
69 Possibly prohibited in preschool provision
70 But no explicit prohibition
71 Government accepted UPR recommendation to prohibit in the home and other settings (2012); bill which would prohibit under discussion (2013)

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
Samoa[72]	NO	NO	SOME[73]	SOME[74]	YES	YES
San Marino[75]	NO	NO	[SOME][76]	YES	YES[77]	YES
Sao Tome & Principe[78]	NO	NO	NO	[YES]	[NO]	[YES]
Serbia[79]	NO	NO	SOME[80]	YES	YES	YES
Slovakia[81]	NO	YES	YES	YES	YES	YES
Slovenia[82]	NO	NO	SOME[83]	YES	YES[84]	YES
South Africa[85]	NO	YES	YES	YES	YES	YES
Sri Lanka[86]	NO	NO[87]	NO	NO[88]	SOME[89]	YES
Tajikistan[90]	NO	NO	NO	YES	NO	YES
Thailand[91]	NO	NO	NO	YES	YES[92]	YES[93]
Timor-Leste[94]	NO	NO[97]	NO	NO	YES[95]	YES
Turkey[96]	NO	NO	NO	YES[97]	YES[98]	YES
Uganda[99]	NO	NO	NO	NO[100]	YES	YES
Zambia[101]	NO	NO	SOME[102]	YES	YES	YES
Zimbabwe[103]	NO	NO	NO	NO	NO	NO

72 Government accepted UPR recommendation to prohibit in the home (2011)
73 Prohibited in early childhood centres
74 Prohibited in government schools for children aged 5-14
75 Government accepted UPR recommendation to prohibit (2010)
76 Possibly prohibited in preschool provision
77 But no explicit prohibition
78 Government accepted UPR recommendation to prohibit in all settings (2011)
79 Government accepted UPR recommendations to prohibit in the home and all settings (2008, 2013)
80 Prohibited in day care which forms part of the education system
81 Government accepted UPR recommendation to prohibit in all settings (2009); prohibition under discussion (2014)
82 Government accepted UPR recommendation to prohibit (2010); draft legislation which would prohibit under discussion (2013)
83 Prohibited in educational day care and in residential schools
84 But no explicit prohibition
85 Government accepted UPR recommendation to prohibit in the home (2012); prohibition under discussion (2014)
86 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
87 Legislation to prohibit in children's homes being drafted (2011)
88 Ministerial circular states corporal punishment should not be used but no prohibition in law; legislation to prohibit being drafted (2011)
89 Prohibited in prisons; legislation to prohibit in all penal institutions being drafted (2011)
90 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)
91 Government accepted UPR recommendations to prohibit in all settings (2012)
92 But some legislation possibly still to be amended
93 But some legislation possibly still to be amended
94 Government accepted UPR recommendation to prohibit (2011): draft legislation which would prohibit in all settings under discussion (2014)
95 But no explicit prohibition
96 Government accepted UPR recommendation to prohibit (2010)
97 But no explicit prohibition
98 But possibly no explicit prohibition
99 Bill which would prohibit all corporal punishment under discussion (2013)
100 Ministerial circular advises against corporal punishment but no prohibition in law
101 Government accepted UPR recommendation to prohibit in all settings (2012); draft Constitution would prohibit in the home, schools and other institutions (2013)
102 Prohibited in preschool provision
103 Government accepted UPR recommendation to prohibit in all settings (2011)

States without a clear commitment to law reform

The following table lists states (113) which 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.

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
Andorra[104]	NO	SOME[105]	NO	YES[106]	YES[107]	YES
Angola	NO	NO	NO	NO	NO	YES
Antigua & Barbuda	NO	NO	NO	NO	NO	NO
Argentina[108]	NO	NO	NO	YES[109]	YES	YES
Australia	NO	SOME[110]	SOME[111]	SOME[112]	SOME[113]	YES
Bahamas	NO	SOME[114]	NO	NO	[YES][115]	[NO][116]
Bahrain	NO	NO	NO	YES	NO	YES
Barbados	NO	[SOME][117]	[SOME][118]	NO	NO	NO
Belarus[119]	NO	NO	NO	[YES]	YES[120]	YES
Belgium	NO	SOME[121]	NO	YES[122]	YES	YES
Bosnia & Herzegovina	SOME[123]	SOME[124]	SOME[125]	YES	YES	YES
Botswana	NO	NO	NO	NO	NO	NO
Brunei Darussalam[126]	NO	NO	SOME[127]	NO	NO	NO
Burundi	NO	NO	NO	[YES]	NO	YES
Cambodia	NO	NO	NO	YES	YES	YES
Cameroon	NO	NO	[SOME][128]	YES	[YES]	YES

104 Government accepted UPR recommendation to prohibit in all settings (2010) but also stated corporal punishment already unlawful
105 Prohibited in La Gavernera children's centre
106 But no explicit prohibition
107 But no explicit prohibition
108 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)
109 But no explicit prohibition
110 Prohibited in all residential centres and foster care in all states/territories except Northern Territory, Tasmania, Victoria and Western Australia
111 Prohibited in all states/territories except in Northern Territory and Tasmania; prohibition in childminding unconfirmed
112 Prohibited in all states/territories except Queensland and Western Australia
113 Prohibited in all states/territories except Australian Capital Territory and Western Australia
114 Prohibited in residential institutions
115 But some legislation possibly still to be repealed
116 Judicial corporal punishment prohibited in 1984 but reintroduced in 1991
117 Possibly prohibited in children's centres run by Child Care Board and in state-arranged foster care
118 Possibly prohibited in state-arranged preschool settings and in day care centres run by Child Care Board
119 Government accepted UPR recommendation to prohibit (2010) but stated it had already been implemented and all corporal punishment is unlawful
120 But no explicit prohibition
121 Prohibited in institutions in Flemish community
122 But no explicit prohibition
123 Prohibited in Republic of Srpska
124 Prohibited in Republic of Srpska
125 Prohibited in Republic of Srpska
126 Government accepted some UPR recommendations to prohibit but rejected others (2009)
127 Prohibited in childcare centres
128 Possibly prohibited in nursery education

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[129]	SOME[130]	SOME[131]	YES[132]	YES[133]	YES
Central African Rep.	NO	NO	NO	NO	NO	YES
Chad[134]	NO	[SOME][135]	[SOME][136]	YES	[YES]	YES
Chile	NO	NO	NO	YES	YES	YES
China	NO[137]	[NO]	SOME[138]	YES	YES	YES
Colombia	NO	[SOME][139]	NO	[YES][140]	[YES][141]	SOME[142]
Comoros[143]	NO	NO	NO	NO	NO	[YES][144]
Cook Islands	NO	NO	SOME[145]	YES	NO	YES
Côte d'Ivoire	NO	NO	NO	NO[146]	YES[147]	YES
Cuba	NO	[SOME][148]	[SOME][149]	[YES]	YES	YES
Czech Rep.	NO	SOME[150]	SOME[151]	YES	YES	YES
Djibouti	NO	NO	NO	[YES]	NO	YES
Dominica	NO	NO	SOME[152]	NO	NO	NO
Dominican Rep.[153]	NO	NO	NO	YES	YES	YES
DPR Korea	NO	NO	NO	[NO][154]	[YES]	[YES]
DR Congo	NO	NO	NO	YES	NO	YES
Egypt	NO	NO	NO	[NO][155]	[YES][156]	YES
Equatorial Guinea	NO	NO	NO	NO	NO	YES
Eritrea	NO	NO	NO	[NO][157]	[NO]	[NO]
Ethiopia	NO	SOME[158]	SOME[159]	YES	YES	YES

129 2004 Supreme Court ruling limited but upheld parents' right to physically punish children
130 Prohibited in state provided care in Alberta, British Colombia and Manitoba; prohibited in foster care in Alberta, British Colombia, Manitoba and Ontario; in Ontario prohibited in provincially licensed childcare programmes and foster homes and for all children receiving services from provincially licensed/approved child protection agency or other service provider
131 Prohibited in all states and territories except New Brunswick; right of correction in Federal Criminal Code applies in Quebec
132 2004 Supreme Court ruling excluded corporal punishment from teachers' right to use force but this still to be confirmed in laws relating to private schools and to all schools in Alberta and Manitoba
133 But no explicit prohibition in Quebec and possibly other provinces/territories
134 Government accepted UPR recommendation to prohibit (2009); recommendation to prohibit in 2013 UPR was rejected
135 Possibly prohibited in institutional care settings
136 Possibly prohibited in institutions
137 But corporal punishment of girls prohibited in Shenzhen Special Economic Zone
138 Prohibited in nurseries and kindergartens
139 Possibly unlawful in care institutions
140 But no explicit prohibition and application of law in indigenous communities unconfirmed
141 But no explicit prohibition and application of law in indigenous communities unconfirmed
142 Lawful in indigenous communities
143 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)
144 Possibly lawful under Shari'a law and in traditional justice systems
145 Prohibited in institutions providing early childhood education
146 Ministerial circular states corporal punishment should not be used but no prohibition in law
147 But no explicit prohibition
148 Possibly prohibited in care institutions
149 Possibly prohibited in preschool provision
150 Unlawful in institutions
151 Prohibited in preschool provision
152 Prohibited in early childhood education facilities
153 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)
154 Policy states corporal punishment should not be used but possibly no prohibition in law
155 Ministerial directive states corporal punishment should not be used but possibly no prohibition in law
156 Possibly lawful in social welfare institutions
157 Policy states corporal punishment should not be used but possibly no prohibition in law
158 Prohibited in institutions
159 Prohibited in institutions

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	NO	NO	NO	YES[160]	YES	YES
France[161]	NO	NO	NO	YES[162]	YES	YES
Gabon	NO	NO	SOME[163]	YES	YES	YES
Gambia	NO	NO	NO	NO	NO	YES
Georgia	NO	[SOME][164]	NO	YES[165]	YES[166]	YES
Ghana[167]	NO	NO	NO	NO[168]	SOME[169]	YES
Grenada	NO	SOME[170]	NO	NO	NO	NO[171]
Guatemala[172]	NO	NO	NO	NO	YES	YES
Guinea	NO	NO	NO	NO[173]	[NO]	YES
Guinea-Bissau	NO	[NO]	[NO]	[YES]	[YES]	YES
Guyana	NO	SOME[174]	NO[175]	NO[176]	SOME[177]	SOME[178]
Haiti	NO[179]	[YES][180]	[YES][181]	YES	YES	YES
Indonesia	NO	NO[182]	NO	NO	YES[183]	SOME[184]
Iran	NO	NO	SOME[185]	NO[186]	YES	NO[187]
Iraq	NO	NO	NO	NO	SOME[188]	YES
Ireland[189]	NO	SOME[190]	SOME[191]	YES	YES	YES
Jamaica	NO	YES	SOME[192]	NO[193]	YES	YES
Japan[194]	SOME[195]	NO	NO	YES[196]	NO	YES

160 Ruled unconstitutional in 2002 High Court ruling but legislation still to be amended
161 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
162 But no explicit prohibition and courts have recognised a "right of correction"
163 Prohibited in preschool provision
164 Possibly prohibited in care institutions
165 But no explicit prohibition
166 But no explicit prohibition
167 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
168 Ministerial directive possible advises against corporal punishment but no prohibition in law
169 Prohibited in prisons
170 Prohibited in childcare homes
171 Prohibited in Juvenile Justice Act 2012, not yet in force
172 Government accepted UPR recommendation to prohibit in the home (2008) and in all settings (2012) but has also said that corporal punishment is prohibited under existing law
173 Ministerial circular possibly advises against corporal punishment but no prohibition in law
174 Prohibited in some but not all settings in Child Care and Services Development Act 2011
175 But possibly prohibited in some day care in Child Care and Services Development Act 2011
176 Prohibition in Education Bill under discussion (2013)
177 Lawful for persons over 16
178 Lawful for persons over 16
179 Possibly prohibited by 2001 law but no unequivocal information
180 Prohibition in foster care unconfirmed
181 Prohibition in crèches and childminding unconfirmed
182 National Standards of Care for Child Welfare Institutions state corporal punishment should not be used but no prohibition in law
183 But no explicit prohibition
184 Lawful under Shari'a law in Aceh province and in regional regulations based on Shari'a law in other areas
185 Prohibited in day care centres (kindergartens)
186 Government directive states corporal punishment should not be used but no prohibition in law
187 Amendments to Penal Code under discussion which would limit but not prohibit corporal punishment of child offenders (2011)
188 Prohibited in prisons and detention centres
189 Government "partially accepted" UPR recommendation to prohibit in the home (2011)
190 Prohibited in Special Care Units
191 Prohibited in preschool settings
192 Prohibited in early childhood centres ("basic schools")
193 But see note on day care; prohibition in all schools under discussion (2013)
194 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)
195 Prohibited in Kawasaki City by local ordinance
196 Prohibited in 1947 School Education Law but 1981 Tokyo High Court judgment stated some physical punishment may be lawful in some circumstances

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
Jordan[197]	NO	[SOME][198]	[NO]	YES	[YES]	YES
Kazakhstan	NO	[SOME][199]	SOME[200]	YES[201]	YES	YES
Kiribati	NO	NO	NO	YES	NO	NO
Kuwait[202]	NO	NO	NO	[YES]	[YES]	[YES]
Kyrgyzstan[203]	NO	SOME[204]	NO	YES	[YES]	YES
Lao PDR	NO	NO	SOME[205]	YES	YES[206]	YES
Lebanon	NO	NO	NO	NO	[YES]	YES
Lesotho[207]	NO	NO	NO	NO	YES	YES
Liberia	NO	SOME[208]	SOME[209]	NO	YES	YES
Libyan Arab Jamahiriya	NO	NO	SOME[210]	YES	NO	NO
Madagascar	NO	NO	NO	[YES]	NO	YES
Malawi	NO	SOME[211]	SOME[212]	[YES][213]	YES	YES
Malaysia	NO	NO	NO	NO	NO	NO[214]
Mali	NO	NO	SOME[215]	YES	YES[216]	YES
Marshall Islands	NO	NO	NO	NO	NO	YES
Mauritania	NO	NO	NO	NO[217]	NO	NO
Mexico	NO	NO	[NO][218]	YES[219]	YES	YES
Micronesia	NO	NO	NO	[YES]	NO	YES
Monaco	NO	NO	NO	YES[220]	YES[221]	YES
Mozambique	NO	NO	NO	NO[222]	YES	YES
Myanmar	NO	NO	NO	[NO][223]	NO	YES[224]

197 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"
198 Possibly prohibited in institutions
199 Possibly prohibited in children's villages
200 Prohibited in preschool education and training
201 But no explicit prohibition
202 Government accepted UPR recommendation to prohibit (2010) but has since stated that corporal punishment is unlawful under existing law
203 Government accepted UPR recommendation to prohibit in all settings but also stated that corporal punishment is already unlawful (2010)
204 Prohibited in residential institutions
205 Unlawful in early childhood education settings
206 But no explicit prohibition
207 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
208 Children's Law 2011 prohibits corporal punishment by child protection practitioners
209 Children's Law 2011 prohibits corporal punishment by child protection practitioners
210 Unlawful in preschool provision
211 Prohibited in state-run institutions
212 Prohibited in state-run day care
213 Prohibition in private schools unconfirmed
214 Government committed to prohibition of judicial caning for persons under 18 (2007)
215 Prohibited in preschools and kindergartens
216 But no explicit prohibition
217 Ministerial Order states corporal punishment should not be used but no prohibition in law
218 Possibly unlawful in preschool provision
219 But no explicit prohibition
220 But no explicit prohibition
221 But no explicit prohibition
222 Government directive advises against corporal punishment but no prohibition in law
223 Government directive advises against corporal punishment but no prohibition in law
224 But some legislation still to be repealed

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
Namibia	NO	SOME[225]	SOME[226]	YES	YES[227]	YES[228]
Nauru	NO	NO	NO	NO	NO	[YES]
Nigeria	NO	NO	NO	NO	SOME[229]	SOME[230]
Niue	NO	NO	NO	NO	[YES]	YES
Oman	NO	NO	[SOME][231]	YES	NO	[YES]
Palestine	NO	NO	NO	SOME[232]	[NO][233]	[NO][234]
Paraguay[235]	NO	SOME[236]	NO	NO	YES	YES
Qatar[237]	NO	NO	NO	NO[238]	YES	NO
Rep. of Korea[239]	SOME[240]	SOME[241]	SOME[242]	SOME[243]	YES[244]	YES
Russian Federation	NO	NO	NO	YES	YES[245]	YES
Rwanda[246]	NO	NO	NO	YES[247]	YES[248]	YES
Saudi Arabia[249]	NO	NO	NO	NO[250]	NO	NO
Senegal	NO	NO	NO	SOME[251]	[YES][252]	YES
Seychelles	NO	NO	NO	NO[253]	NO	YES
Sierra Leone	NO	NO	NO	NO	NO	YES
Singapore	NO	NO	SOME[254]	NO	NO	NO
Solomon Islands[255]	NO	NO	NO	NO	YES	YES[256]
Somalia	NO	SOME[257]	SOME[258]	[SOME][259]	SOME[260]	SOME[261]
St Kitts & Nevis	NO	NO	NO	NO	NO	NO

225 Unlawful in state-run childcare under 1991 Supreme Court ruling but some legislation still to be repealed; Child Care and Protection Bill would prohibit (2011)
226 Unlawful in state-run childcare under 1991 Supreme Court ruling but some legislation still to be repealed; Child Care and Protection Bill would prohibit (2011)
227 Unlawful under 1991 Supreme Court ruling but some legislation still to be repealed; Child Care and Protection Bill would prohibit (2011)
228 Unlawful under 1991 Supreme Court ruling but some legislation still to be repealed
229 Prohibited in Child Rights Act 2003 but this not enacted in all states
230 Prohibited in Child Rights Act 2003 but this not enacted in all states and other legislation not amended; lawful in some areas under Shari'a law
231 Possibly prohibited in preschool provision
232 Prohibited in UNRWA schools and in East Jerusalem; Ministerial direction advises against corporal punishment in public schools but no prohibition in law
233 Possibly unlawful in East Jerusalem
234 Possibly unlawful in Gaza
235 Draft legislation which would prohibit under discussion (2013)
236 Prohibited in shelter homes
237 Government accepted some UPR recommendations to prohibit but rejected another similar one, stating that corporal punishment is already prohibited (2010)
238 Code of Conduct for schools states corporal punishment should not be used but no prohibition in law
239 Government accepted UPR recommendations to prohibit in all settings (2012) but was unclear on the need for complete prohibition in the home
240 Prohibited in Seoul
241 Prohibited in Seoul
242 Prohibited in Seoul
243 Law prohibits direct physical punishment (involving physical contact) but not indirect physical punishment (no contact, e.g. painful positions); fully prohibited in Seoul
244 But no explicit prohibition
245 But no explicit prohibition
246 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"
247 But no explicit prohibition
248 But no explicit prohibition
249 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
250 Ministerial circulars advise against corporal punishment but no prohibition in law
251 Prohibited for 6-14 year olds
252 But no explicit prohibition and law permits use of force "in the case of inertia to the orders given"
253 Policy states corporal punishment should not be used but no prohibition in law
254 Prohibited in childcare centres
255 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
256 But used in traditional justice
257 Prohibited in institutions in Somaliland
258 Prohibited in institutions in Somaliland
259 Possibly prohibited in Somaliland
260 Prohibited in Somaliland
261 Prohibited in Somaliland

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 Lucia	NO	NO	NO	NO	NO	YES
St Vincent & Grenadines	NO	NO	NO	NO	NO	NO
Sudan	NO	NO	NO	SOME[262]	NO	[YES][263]
Suriname	NO	NO	NO[264]	NO[265]	YES	YES
Swaziland	NO	NO	NO	NO	NO	YES
Switzerland	NO[266]	SOME[267]	YES	YES	YES	YES
Syrian Arab Rep.	NO	NO	NO	NO[268]	NO	YES[269]
Taiwan	NO	NO	[SOME][270]	YES	YES	YES
Tonga	NO	NO	SOME[271]	YES	[YES]	NO[272]
Trinidad & Tobago	NO	NO[273]	NO[274]	NO[275]	NO[276]	NO[277]
Tuvalu[278]	NO	SOME[279]	NO	NO	SOME[280]	SOME[281]
UK	NO	SOME[282]	SOME[283]	YES	YES	YES
United Arab Emirates	NO	NO	NO	YES[284]	[YES]	NO
UR Tanzania	NO	SOME[285]	NO	NO	SOME[286]	SOME[287]
USA	NO	SOME[288]	SOME[289]	SOME[290]	SOME[291]	YES
Uzbekistan	NO	NO	NO	YES	YES[292]	YES
Vanuatu	NO	NO	NO	YES	YES	SOME[293]
Viet Nam	NO	NO	NO	YES	YES	YES
Western Sahara	NO	[NO]	[NO]	[NO]	[YES]	[YES]
Yemen	NO	NO	[SOME][294]	YES	YES	NO

262 At federal level Child Act 2010 prohibits cruel punishment but not explicitly all corporal punishment; prohibited in Khartoum State
263 Possibly lawful under Shari'a law
264 Draft regulation to prohibit in day care centres under discussion (2011)
265 Government accepted UPR recommendation to prohibit in schools (2011)
266 2003 Federal Court ruling stated repeated and habitual corporal punishment unacceptable but did not rule out right of parents to use corporal punishment
267 Lawful as for parents in alternative care involving family placements
268 Ministry of Education advises against corporal punishment but no prohibition in law
269 But flogging and whipping imposed under Sharia law in some areas in the context of the Syrian conflict
270 Possibly prohibited in care centres under education legislation
271 Prohibited in preschool institutions
272 2010 Court of Appeal ruling stated that "it might be argued" whipping is unconstitutional but did not declare it to be so
273 Prohibited in Children Act 2012, not yet in force
274 Prohibited in Children Act 2012, not yet in force
275 Prohibited in Children Act 2012, not yet in force
276 Prohibited in Children Act 2012, not yet in force
277 Prohibited in Children Act 2012, not yet in force
278 Government accepted UPR recommendation to prohibit in 2008 but in 2013 accepted some UPR recommendations to prohibit and rejected others
279 Prohibited in hospital mental health wing
280 Corporal punishment by police officers prohibited
281 Island Courts may order corporal punishment
282 Prohibited in residential institutions and foster care arranged by local authorities or voluntary organisations throughout the UK
283 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
284 But no explicit prohibition in private schools
285 Prohibited in residential institutions in Zanzibar
286 Prohibited in approved schools and remand homes in Zanzibar
287 Prohibited in Zanzibar
288 Prohibited in all care settings in 31 states, and in some settings in other states and District of Columbia
289 Prohibited in all care settings in 31 states, and in some settings in other states and District of Columbia
290 Prohibited in public schools in 29 states and District of Columbia, and in public and private schools in Iowa and New Jersey
291 Prohibited in 32 states
292 But no explicit prohibition
293 Permitted in rural areas under customary justice systems
294 Possibly prohibited in preschool provision

Sweden became the first country to ban all corporal punishment in 1979, when a provision was added to the Parenthood and Guardianship Code which now reads: "Children are entitled to care, security and a good upbringing. Children are to be treated with respect for their person and individuality and may not be subjected to corporal punishment or any other humiliating treatment."

To celebrate the 35th anniversary of the ban and the 25th anniversary of the 1989 adoption of the Convention on the Rights of the Child, the Swedish Government is hosting a high-level governmental conference in Stockholm (June 2014) for representatives of states which have either achieved a ban on corporal punishment or are committed to doing so.

"This two-day conference will be an arena for dialogue between high-level stakeholders, policy-makers and experts on how legislation against corporal punishment can be introduced and, once introduced, also upheld effectively." *(Maria Larsson, Minister for Children and the Elderly, Sweden)*

Austria became the fourth country in the world to ban all corporal punishment in 1989. Austria has agreed to host a similar follow-up conference in 2016.

"It is intended to share experience about the long and rocky path that needs to be followed in a concerted manner by political decision-makers and other relevant groups to arrive at a state of affairs where not only the concept for a new culture of a violence-free upbringing of children is fostered but where a life without violence becomes standard in the daily lives of children throughout Europe and the world." *(Dr Wolfgang Brandstetter, Federal Minister of Justice, Austria)*

The **Global Initiative to End All Corporal Punishment of Children** 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.
www.endcorporalpunishment.org, info@endcorporalpunishment.org

Global Initiative to
End All Corporal Punishment
of Children

Detailed information on all aspects of prohibiting corporal punishment is available on the Global Initiative website, including individual reports on every state and territory in the world: www.endcorporalpunishment.org.

The Global Initiative publishes a regular global e-newsletter with news of progress towards prohibition worldwide, new research and resources to support law reform, human rights monitoring and more (to subscribe email info@endcorporalpunishment.org).