Working towards universal prohibition of corporal punishment

A SPECIAL REPORT FOR THE HIGH LEVEL GLOBAL CONFERENCE HELD BY H.E. THE PRESIDENT OF MALTA, MAY-JUNE 2018
Working towards universal prohibition of corporal punishment: A special report for the high level global conference held by H.E. the President of Malta, May–June 2018

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NOTE ON FACTS AND FIGURES
The Global Initiative bases its analyses on a total of 199 states, all states parties to the UN Convention on the Rights of the Child except Holy See, plus Kosovo, Taiwan, USA and Western Sahara. Child population figures are from UNICEF 2015 and, where these are unavailable, UNICEF 2013 (Western Sahara) and Department of Household Registration, Ministry of Interior, 2013 (Taiwan).
Objectives of the conference

High Level Global Conference on the Universal Prohibition of Corporal Punishment

Malta, 30 May–1 June 2018

The objectives of the High Level Global Conference on the Universal Prohibition of Corporal Punishment being held in Malta on the 30 May–1 June 2018 is to continue securing support and strive towards a world without corporal punishment and violence against children. This will be an opportunity for participating UN Member States, international organisations and civil society representatives to come together and reinforce the commitment they took in adopting the Sustainable Development Goals and more specifically their target to end all forms of violence against children.

The conference will include keynote addresses, panel and roundtable discussions with the participation of leading experts in the field. Participants will have the opportunity to share their insight and meet other stakeholders committed to ending corporal punishment globally.

This conference is the third in its series, with the first edition held in Sweden in 2014 and the second held in Austria in 2016. The third edition of the Global Conference on the Universal Prohibition of Corporal Punishment will be held in Malta under the patronage of Her Excellency the President of Malta.
We know that prohibition of corporal punishment in law provides the essential foundation for eliminating it in practice. It is imperative that we reform the law as a matter of urgency if we are to have any hope of ending corporal punishment by 2030.

PAULO SÉRGIO PINHEIRO, INDEPENDENT EXPERT WHO LED THE UN STUDY ON VIOLENCE AGAINST CHILDREN AND CHAIRPERSON OF THE INDEPENDENT INTERNATIONAL COMMISSION OF INQUIRY ON SYRIA. *

We envisage a world of universal respect for human rights and human dignity.... A world ... in which every child grows up free from violence and exploitation.

TRANSFORMING OUR WORLD: THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT

The overarching reason why many UN Member States, international organisations and civil society representatives are meeting in Malta this year is their collective belief that children’s rights need to be upheld in all circumstances. This reason is reinforced by international human rights instruments that we, as an international community, are all committed to and that we all have a responsibility to uphold. A significant number of UN Member States have thus far prohibited corporal punishment or committed to doing so. There is still a long way to go before universal prohibition is achieved and we must all do our part to achieve this goal. Let us remember that the Sustainable Development Goals, agreed to by all UN Member States, commits the international community to ending all violence against children.

Corporal punishment in its many forms continues to challenge children’s rights and is oftentimes justified by inadequate arguments. As an approach it is inherently flawed because it condones violence and makes violence look legitimate. This consequently instils the understanding that violence is acceptable and that it can be used as a method to resolve conflict and achieve set goals. This approach is not only counterproductive in the short term but its long term repercussions are equally troubling.

At a humane level corporal punishment degrades the child and in itself is a violation of physical integrity and human dignity. It can also cause serious physical and psychological harm to children. The most vulnerable amongst children, including children with disabilities, are particularly susceptible to harmful and humiliating forms of punishment. This needs to end. We must all work towards promoting children’s rights and achieve the universal abolishment of corporal punishment. This effort needs to be driven by a rights-based approach that has children’s rights and human rights at its core. It should target all those who live and work with children, the general public and also children themselves. Children in fact need to be at the epicentre of this vision, a vision of a world without corporal punishment and without violence against children. In practical terms we need to make sure children are sensitised to the matter; have access to confidential advice; and are guaranteed effective and appropriate forms of protection. Securing children’s role in all of this is essential. Children need to have the opportunity to share their views and concerns. They also need to be part of the process in planning actions and strategies to deal with and universally abolish corporal punishment. Children’s participation is essential as they provide their insight and approach, both of which are critical in dealing with matters affecting them directly.

Children have the same rights as adults when it comes to respect for their human dignity and the respect for their physical integrity. As an international community we must use the impetus provided by the Global Conference on the Universal Prohibition of Corporal Punishment happening in Malta to continue protect the rights of society’s most vulnerable: Our Children.
This May, states and civil society from all over the world meet in Malta to show their support and commitment to universal prohibition of corporal punishment of children. We celebrate progress – 53 states and seven territories have achieved full prohibition, and 56 more states have committed to law reform – but we know that there is still much to do. Only 10% of the world’s children live in states which recognise their right to protection from all forms of violence and to equal protection from assault.

The Global Initiative continues to work tirelessly towards a world without legalised violence against children – and we call on you to work with us. This report sets out 12 actions for states to work collaboratively towards universal prohibition. Let’s make real change – together – so that by the time we meet again in 2020, we have even more progress to celebrate, more learning to share, and more children equally protected from violence!

As we gather for the third high-level global conference on the prohibition of corporal punishment, we have strong reasons to feel encouraged by the visible strides that have been made across the world. Looking back at progress achieved to date, the conference provides an invaluable opportunity to document good practices, reflect on trends and common concerns, and reaffirm commitment to address persistent challenges.

But it will also allow us to look forward. In 2019, the UN will host its first overall review of the implementation of the 2030 Agenda for Sustainable Development, including SDG target 16.2 on ending all forms of violence against children. 2019 also marks the 30th anniversary of the CRC. The discussions in Malta provide an ideal platform to seize the historic opportunity presented by the occurrence of these two events and to make a quantum leap in our efforts to build a world free from violence for all children.
A good parent doesn’t spare the whip”; “A child learns better when harshly punished”; “Without corporal punishment, children will be lazy and rebellious, and will not learn or work!”

These false views of children and childrearing are too often expressed by adults. We know they are wrong and we must leave them behind us. Do we really want to beat children into obedience, to get passive, mute young people who abstain from communication, and are not interested in participating in anything? We shouldn’t! There are so many positive ways to educate children and bring them up as humans with equal value, equipped with self-esteem and resilience to cope with day to day life. Member States where corporal punishment is prohibited have proven that children can be raised and educated well nevertheless – or in fact because of it! Let’s push hard to get rid of this most common form of violence against children whenever, wherever, by whomsoever!

No child should experience violence, especially not at the hands of parents, teachers and caregivers who are meant to keep them safe and enable them to grow-up into healthy and productive adults. We must stop corporal punishment, and build consensus among families, schools and communities that there are better ways to engage with children, including approaches to discipline.

In February 2018, in partnership with the Government of Sweden and the WePROTECT Global Alliance, the Global Partnership to End Violence Against Children hosted the first ever End Violence Solutions Summit, to champion global action and share solutions for ending violence against every child, wherever they may live. It is critical that we all work together, across governments, agencies, CSOs, the private sector, faith groups and beyond, to build understanding and shift social norms to end corporal punishment.

As we honor the 53 states that have prohibited corporal punishment of children in all settings, including in the family home, let us work together with the others to make this a reality for all children.
Progress in numbers

- 53 states have prohibited all corporal punishment of children
- 56 states have committed to prohibiting all corporal punishment
- 131 states have prohibited corporal punishment in all schools
- 451 recommendations have been made by the UN Committee on the Rights of the Child...
- 190 states have received these recommendations to end corporal punishment
- 62 states have accepted UPR recommendations to prohibit corporal punishment

But...

- Only 10% of the world’s children live in states where the law recognises their right to equal protection from assault
- In 34 states, children convicted of an offence may be sentenced to corporal punishment under criminal, religious and/or traditional law
- In 19 states, corporal punishment is not fully prohibited in any setting, including as a sentence for crime
Number of states worldwide prohibiting corporal punishment of children in law

<table>
<thead>
<tr>
<th>Setting</th>
<th>Fully prohibited</th>
<th>Not fully prohibited</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home</td>
<td>53</td>
<td>146</td>
</tr>
<tr>
<td>Alternative care</td>
<td>60</td>
<td>139</td>
</tr>
<tr>
<td>Day care</td>
<td>60</td>
<td>139</td>
</tr>
<tr>
<td>Schools</td>
<td>68</td>
<td>131</td>
</tr>
<tr>
<td>Penal institutions</td>
<td>60</td>
<td>139</td>
</tr>
<tr>
<td>Sentence for crime</td>
<td>34</td>
<td>165</td>
</tr>
</tbody>
</table>

Percentage of global child population fully protected in law from corporal punishment

- Fully protected in the home and all other settings: 80%
- Fully protected in some settings outside the home: 10%
- Not fully protected in any settings: 10%

732 million (1 in 2) school-age children between 6 and 17 years live in countries where corporal punishment at school is not fully prohibited.


Cumulative number of states prohibiting all corporal punishment of children

- 1979: 1
- 1984: 2
- 1988: 3
- 1992: 4
- 1996: 5
- 2000: 11
- 2004: 15
- 2008: 28
- 2012: 34
- 2018: 53
Legality of corporal punishment

Prohibited in all settings
Government committed to full prohibition
Prohibited in some settings
Not fully prohibited in any setting
For details of the legality of corporal punishment in various settings in each country, see the tables starting on page 21.
The 2030 Agenda: a global commitment to end violence against children

Under the Sustainable Development Goals (SDGs) adopted in 2015, states have committed to building peaceful, non-violent societies in which human rights are respected. The agenda sets out 17 goals, clear targets for achieving each goal and indicators to monitor progress towards each target.

Corporal punishment is the most common form of violence experienced by children worldwide. In extreme cases, it can lead to injury and even death, but overwhelming evidence shows even so-called “light” corporal punishment is associated with a variety of negative outcomes including poorer mental health, cognitive development and educational outcomes, as well as increased aggression and antisocial behaviour. It has also been linked to increased approval and use of other forms of violence and criminal behaviour in later life, including corporal punishment and intimate partner violence. The long-term effects of violence in families and society – while they are felt by all – can disproportionately affect low- and middle-income countries, where its impact can be severe in terms of slowing economic growth, undermining personal and collective security, and impeding social development.

Ending corporal punishment is therefore key to ending all violence against children (target 16.2) and reducing violence across the whole of society in the longer term. It is also essential in working towards other SDG targets, including those related to health, education, violence against women and girls, equality and economic growth.

Prohibition of corporal punishment in law is the essential foundation for reducing its use, which must be implemented effectively, including through society-wide measures to raise awareness of the new law and children’s right to protection (see more on p. 18).

SDG 16
Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

Target 16.2
End abuse, exploitation, trafficking and all forms of violence against and torture of children.

Indicator 16.2.1
Percentage of children aged 1–17 who experienced any physical punishment and/or psychological aggression by caregivers in the past month.

The process of transforming society’s behaviour in childrearing and education, and its view of children – to seeing them as full holders of human rights who cannot be hit and hurt in the guise of “discipline” – takes time. If states are to achieve substantial reductions in the prevalence of violent punishment by 2030 (indicator 16.2.1), they must reform national legislation and work to make prohibition of all corporal punishment of children a reality NOW!
Monitoring progress towards target 16.2

Data collection and periodic surveys with representative population groups about the use of – and attitudes towards – corporal punishment are essential for monitoring progress under indicator 16.2.1. Data and evidence are also valuable in developing and evaluating programmes and campaigns aimed at changing violent behaviour (see also p. 19).

Goal 16 will be reviewed in-depth at the High Level Political Forum on Sustainable Development (HLPF) in 2019 under the theme “Empowering people and ensuring inclusiveness and equality”. As part of its follow-up and review mechanisms, the 2030 Agenda encourages member states to “conduct regular and inclusive reviews of progress at the national and sub-national levels, which are country-led and country-driven” (paragraph 79). These national reviews should provide a basis for regular reviews by the HLPF, which are to be voluntary, state-led and undertaken by both developed and developing countries (paragraph 84).

Supporting national strategies to achieve target 16.2

INSPIRE

INSPIRE is a technical package developed by ten agencies led by the World Health Organisation. Aimed at everyone from government to grassroots, it sets out seven strategies which provide a framework for ending violence against children.

Under its first strategy – implementation and enforcement of laws – the INSPIRE package highlights the need for laws banning corporal punishment of children by parents, teachers and other caregivers. Examples of society-wide public and professional education and awareness raising programmes aimed at to changing social norms and attitudes around violence in childrearing, which should accompany law reform, are also set out in INSPIRE.

Laws that prohibit behaviours such as violent punishment and child sexual abuse, are useful in several ways. First, they show society that violent behaviour is wrong, and can therefore help eradicate prevailing norms that tolerate it. Second, they hold perpetrators accountable for their actions.

INSPIRE: SEVEN STRATEGIES FOR ENDING VIOLENCE AGAINST CHILDREN

Implementation and enforcement of laws
Norms and values
Safe environments
Parent and caregiver support
Income and economic strengthening
Response and support services
Education and life skills
Global Partnership to End Violence Against Children

The Global Partnership to End Violence Against Children was launched during the first High Level Political Forum for the 2030 Agenda in New York in July 2016. It aims to provide a context for governments, international organisations, NGOs and civil society, academia, the private sector and children themselves to work collectively to end violence against children.

The Global Partnership is particularly working with “pathfinding” countries which have committed to three to five years of accelerated action to end violence against children; this includes a formal pledge to support actions to end all forms of violence against children, including implementation of the INSPIRE package at scale.

The first Agenda 2030 for Children: End Violence Solutions Summit took place in Stockholm, Sweden, in February 2018, to share solutions for preventing and responding to violence against children. UN Deputy Secretary General, Amina J. Mohammed, highlighted the extent of corporal punishment of children worldwide in her opening address, and a workshop was held during the Summit highlighting the need to prohibit and eliminate all corporal punishment of children.

Promoting prohibition of violent punishment in the context of development aid

In negotiating development aid – particularly supporting school and health systems – donor states that have prohibited all corporal punishment of children should emphasise the impact of its persisting legality on children’s health and education rights, and urge partner countries to achieve immediate prohibition and work systematically towards elimination.

The same principle applies to states that have prohibited corporal punishment in schools and financially support school systems in other states where children are still lawfully subjected to violence in the guise of “discipline”.

We know that violent punishment is linked to increased violent and criminal behaviour in adulthood, and we know the negative impact this can have – particularly in low- and middle-income countries – on economic growth, personal and collective security, and social development. Donors therefore have an additional major stake in preventing violent punishment of children, in order to ensure their investments are not undermined by the economic and social costs of violence.

“...human rights are not subservient to other concerns, and are not something to be addressed only once other development benchmarks have been attained.

Ban Ki-Moon, then Secretary General of the United Nations, 2016
Using opportunities to achieve prohibition

The drafting or revision of laws that are relevant to children – including laws on the family, education and juvenile justice – provides opportunities for achieving legal prohibition of all corporal punishment. There are currently immediate opportunities to prohibit corporal punishment in at least 130 states (see www.endcorporalpunishment.org for an up to date table).

Prohibition of corporal punishment is achieved when:

- All defences and authorisations of corporal punishment are repealed (removed) so that the criminal law on assault applies equally to assaults on children, whether or not described as discipline or punishment;
- Legislation explicitly prohibits – or is clearly interpreted as prohibiting – all corporal punishment and other cruel and degrading punishment;
- The language used is clear and not open to misinterpretation – the law must leave no doubt that children should not be physically punished or suffer humiliating or degrading punishment; and
- There are no legal loopholes which could be used by those seeking to justify or defend some level of violent punishment of children.

Prohibition of corporal punishment is not achieved by:

- Laws which prohibit “all forms of violence” or which confirm the child’s right to “respect for human dignity and physical integrity” – these are unlikely to be perceived and interpreted as prohibiting all corporal punishment in childrearing in societies where it is widely socially accepted, and often not regarded as violence.
- Laws which prohibit “corporal punishment that causes harm” – these may be construed as not prohibiting all corporal punishment by those who believe that only physical punishment which reaches some threshold of severity is harmful and that “light” physical punishment is acceptable or even in the child’s best interests.
- So-called “compromise laws” which limit rather than prohibit the use of corporal punishment (for example, making corporal punishment of older children unlawful but allowing it for younger children, or prohibiting the use of an implement but by implication allowing slaps) – these do not achieve equal protection from assault for children.

There is no ambiguity: ‘All forms of physical or mental violence’ does not leave room for any level of legalised violence against children. Corporal punishment and other cruel or degrading forms of punishment are forms of violence and the State must take all appropriate legislative, administrative, social and educational measures to eliminate them.

COMMITTEE ON THE RIGHTS OF THE CHILD, GENERAL COMMENT NO. 8, 2006
“Weren’t you once a child?”

The President’s Foundation for the Wellbeing of Society believes that child participation should be at the heart of all initiatives concerning children. These include the drafting of legislation, implementation of policy, consultation and essentially anything that affects the rights and wellbeing of children.

The High Level Global Conference on the Universal Prohibition of Corporal Punishment happening in Malta is no exception, and during its run-up the aims of the conference were discussed with the Children’s and Young Person’s Councils forming part of the President’s Foundation.

The children had a number of meetings where they discussed the subject of corporal punishment. Some were astonished to find out that corporal punishment has only recently been prohibited, and they questioned what is stopping governments around the world from abolishing it.

Others highlighted the contradiction between the love shown by parents, carers and adults working with children versus corporal punishment – an approach inherently rooted in violence. The issue of violence and the vicious cycles it propagates were omnipresent during these discussions, and remained very much on the children’s minds.

Children expressed serious concern that when corporal punishment is used, children essentially grow up with an understanding of violence as an effective tool, and as a means to an end. They also referred to the possibility that parents, carers and adults working with children who resort to violence might also have experienced violence during their own childhood. The children were not confrontational in this respect, but wanted adults to shun the notion of corporal punishment, and adopt a positive approach that is not based on violence.

Achieving human rights in a changing global context

The legality of corporal punishment in the majority of states worldwide violates children’s rights to human dignity and bodily integrity, and to equal protection as adults under the law on assault. International human rights law imposes a clear and immediate obligation on states to prohibit by law all corporal punishment of children, including in the home, and to ensure it is eliminated in practice.

This obligation was confirmed by the Committee on the Rights of the Child in its General Comment No. 8 (2006) on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment”. The Committee also systematically reviews states’ progress towards prohibiting corporal punishment and has to date made over 450 observations/recommendations on the issue to around 190 states.

Other international treaty bodies also recommend prohibition and elimination of corporal punishment to states under their respective treaties, and the issue is pursued at regional level through the jurisprudence of the European Committee of Social Rights, the European Court of Human Rights, the African Committee of Experts on the Rights and Welfare of the Child, the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights.
In this context, the children repeatedly mentioned the importance of positive parenting and added that parents should teach children what is right or wrong through love and respect. They believe that by doing so, the vicious circles fuelled by violence can end. As a result, corporal punishment will thus be relegated to history on a global scale.

In their wisdom the children also thought of the more vulnerable amongst them. They were concerned that disadvantaged children are in a position of increased danger. Children with disabilities, learning difficulties and even children in migration, amongst others, need special attention. As an international community, we need to champion the rights of all children.

For some of the children, it was clear that corporal punishment is not an option. For others it validated their unspoken feelings that violence can never be legitimate, even if it is disguised as discipline, something that instigates improvement or a measure that spurs correct behaviour.

The onus is on us, as adults, to bring about the change which all children around the world deserve. To end with a quote from one of the children: “Violence is Violence”.

Recommendations to prohibit all corporal punishment are also frequently issued to states during the Universal Periodic Review of their overall human rights record. 116 states which have not yet achieved full prohibition have received recommendations to do so, of which 62 states have clearly accepted the recommendation, indicating their commit to reforming their laws to achieve full prohibition of corporal punishment.

The current global context poses many and varied challenges to human rights. In such demanding and complex times, when they need to be championed more than ever, human rights instead seem to be under unprecedented threat.

Now more than ever it is essential to reaffirm our commitment to ensure human rights remain at the forefront of the political agenda – in particular the most fundamental rights of the smallest and most vulnerable in society.

We must continue to work together collaboratively to achieve positive change for current and future generations!
How states can work collaboratively towards universal prohibition

Promote the rights-based case for law reform – that all children have the rights to full respect for their human dignity and physical integrity, and to equal protection under the law – and promote prohibition to all states, highlighting the injustice, danger and inhumanity of laws which provide children with less protection from interpersonal violence than adults.

Agenda 2030 demands that states foster “peaceful, just and inclusive societies which are free from fear and violence”: states should work together to ensure universal prohibition and elimination of all violent punishment of children is explicitly pursued in the global, regional and national monitoring of target 16.2 to end all violence against children.

In negotiating development aid supporting school and health systems, donor states that have prohibited corporal punishment should urge partner countries to achieve immediate prohibition and work systematically towards elimination, recognising the injustice of, for example, financially supporting school systems in which corporal punishment is still authorised.

Raise the issue in the Universal Periodic Review by systematically addressing questions and recommendations to prohibit corporal punishment in all settings to states which have not achieved full prohibition.

In negotiating UN General Assembly and Human Rights Council resolutions on the rights of the child, states should collaborate to include explicit commitment to prohibition of corporal punishment in all settings, given that a majority of states have either achieved or committed to prohibition.

Work within regional intergovernmental organisations to encourage explicit commitments and campaigns against violent punishment and highlight the urgency of the issue for children.
These high level meetings provide a global platform for states to share and learn from each other’s experiences and to work together towards universal prohibition of corporal punishment. But what concrete actions can states take to support and encourage progress beyond their borders, towards a world without legalised violence against children?

Since the global meeting hosted by the Austrian Government in 2016, four more states have achieved full prohibition of corporal punishment. We call on all states to commit to 12 actions for 24 months and beyond, so that by the next global meeting in 2020, we can celebrate even more progress – achieved together – for children everywhere!

07

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

08

Advocate the importance of prohibiting and eliminating corporal punishment from a variety of perspectives including gender, disability, health and public health, early years care and development, and schooling without violence.

09

Monitor and disseminate research regionally and internationally which demonstrates the scale and harmful impact of corporal punishment, and the positive impact of prohibiting and eliminating its use.

10

Contribute to the wide global dissemination of key documents and recommendations, including the Committee on the Rights of the Child’s General Comment No. 8 (2006) on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment”.

11

Plan and put into practice government-led, public education measures to raise awareness of children’s right to protection, the dangers associated with corporal punishment and the benefits of positive methods of discipline, to progress from prohibition to elimination of all corporal punishment of children.

12

Evaluate and promote effective campaigns and awareness-raising measures for use in states where there is still strong social approval of corporal punishment, and consider offering technical assistance and support to states working towards prohibition and elimination through embassies and other representations.
Making non-violent childhoods a reality

The ultimate goal of prohibiting corporal punishment is to ensure that no child ever experiences it, by eliminating its use completely. Legal prohibition sends a clear message that hitting and hurting a child, for whatever reason, is wrong, just as hitting and hurting adults is wrong. But implementing the law is not only about responding to adults who violently punish children – it is primarily about transforming attitudes and practice so that physical punishment is no longer seen as acceptable, enabling a shift in social norms towards positive, non-violent childrearing methods.

Preliminary list of measures to accompany prohibition

- Wide dissemination and explanation of the law and its implications
- Detailed guidance, for all involved, on how the law should be implemented in the best interests of children
- Communication of children’s right to protection from corporal punishment and all other cruel or degrading forms of punishment to children and adults
- Dissemination of information on the dangers of corporal punishment
- Promotion of positive, non-violent forms of discipline to the public, children, parents, other carers, teachers, etc
- Integration of implementation/enforcement of the prohibition into the national and local child protection systems
- Identification of key public figures and a wide range of partners who can support implementation of the law and transformation of attitudes
- Attraction of necessary resources
- Evaluation of the impact of law reform and other measures, through a baseline survey and regular follow-up surveys, interviewing children and parents

Possible points for communicating key messages

- Birth registration
- Pre- and post-natal services
- All other health service and health practitioner contacts with parents, future parents and children
- Pre-school entry, school entry, school curriculum and informal educational settings
- Social and welfare services in contact with children (including children in all non-family settings) and with families
- Initial and in-service training of all those working with and for families and children, including teachers, care workers, etc
- Elements of civil society in contact with children and families, including religious/faith groups
- Mass media, internet, social networking, etc

Violence is not a private matter that should be left to families to resolve, but a matter of human rights that states have a duty to uphold.
Research shows the positive impact of prohibition

Although more than a quarter of UN member states have now prohibited all corporal punishment, research comparing the prevalence of and attitudes towards corporal punishment before and after law reform is available in only a few. Where comparable figures are available, the evidence of changes in attitudes and practice is strong.

There has been a consistent decline in adult approval and use of physical punishment in Sweden since prohibition was achieved in 1979: around half of children were smacked regularly in the 1970s; this fell to around a third in the 1980s, and a few per cent after 2000. Finland achieved prohibition in 1983 and saw a decline in adult acceptance of corporal punishment from 47% in 1981 to 15% in 2014. In Germany, 30% of young people reported in 1992 that they had been "thrashed"; in 2002, two years after prohibition, this figure was 3%. Prohibition was achieved in Austria in 1989; approval for the statement "a little slap now and again never harmed a child" dropped dramatically from 85% in 1977 to 16% in 2014. In New Zealand, where prohibition was achieved in 2007, the rate of approval of corporal punishment dropped from more than 90% in 1981 to 40% in 2013. Prohibition was achieved in Poland in 2010; approval of corporal punishment fell by 18% from 2008 to 2013. Romania achieved full prohibition in 2004; the number of children hit by their parents with a hand without leaving a mark fell by 22% between 2001 and 2012.

More information and full references are available at www.endcorporalpunishment.org.

Non-violent Childhoods: Moving on from corporal punishment in the Baltic Sea Region

This two-year project, led by the Council of the Baltic Sea States, in cooperation with the Global Initiative and supported by the European Union, aims to promote effective implementation of legal bans on corporal punishment through collaborative, multi-stakeholder planning and action.

The initiative draws on the experience of states in the Baltic Sea Region where ten out of 11 states have prohibited all corporal punishment – ranging from those with over 30 years’ experience implementing the ban to those that have just recently embarked on this journey.

National consultations were held throughout 2017 in Sweden, Finland, Latvia, Estonia and Poland, and a series of thematic expert consultations were held earlier this year to inform the development of five guidance materials to convey key messages and best practices for bringing national laws into practice.

The outcomes of the initiative will be presented at a conference in Stockholm, Sweden, in November 2018. Visit the project website to register for the conference and to read more about the initiative, national partners and activities: www.childrenatrisk.eu/nonviolence.
What religious communities can do towards ending corporal punishment of children

- Model and promote positive, non-violent parenting.
- Promote the meaning of “discipline” as teaching and guidance, not as physical punishment; offer support and resources for parents.
- Speak out about the harmful effects of corporal punishment.
- Explain why the legality and practice of corporal punishment is incompatible with universal religious values of compassion, equality, justice, equity and non-violence.
- Place children at the heart of the community. Enable the meaningful participation of children and make provision for their voices and opinions to be heard.
- Ensure religious texts, scriptures, teachings and traditional ceremonies and practices are used to promote respect for children – not to condone or perpetrate violence against children.
- Hold vigils and events dedicated to ending legalised violence against children.
- Use opportunities in the life of the religious community such as marriage preparation and the birth of a baby, to highlight the dangers of corporal punishment and promote positive non-violent parenting.
- Link the issue of corporal punishment and the urgent need to prohibit it with campaigns to end violence against women and girls.
- Identify child protection risks in the religious community; ensure accountability and reporting mechanisms are in place.
- Ensure child protection and safeguarding policies explicitly denounce corporal punishment.
- Encourage the religious community to actively support law reform at www.endcorporalpunishment.org.
- Work with others, including governments, NGOs and interfaith councils towards prohibition and elimination of all corporal punishment of children.

For further information and resources, see www.churchesfornon-violence.org.

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... Our religious communities are ready to serve as monitors of implementation, making use of national and international bodies to maintain accountability.

“ARTICLE 6 OF "A MULTI-RELIGIOUS COMMITMENT TO END VIOLENCE AGAINST CHILDREN" (THE KYOTO DECLARATION)“

Working with faith-based groups to eliminate corporal punishment

There is strong consensus across religious traditions about the inherent dignity of every child and a growing movement of religious leaders, along with their organisations and communities, are committed to advocacy and action to prohibit and eliminate all corporal punishment of children.

At the 8th World Assembly of Religions for Peace in Kyoto, Japan in 2006, 800 religious leaders adopted “A Multi-religious Commitment to End Violence against Children” (the Kyoto Declaration) which includes a call for prohibition of corporal punishment and a commitment to monitor its implementation.
The Global Initiative to End All Corporal Punishment of Children has mapped the legality of corporal punishment of children in every setting – the home, alternative care settings, day care, schools, penal institutions and as a sentence for crime – in every state and territory in the world. This information is constantly monitored and kept up to date, and is available to view or download at www.endcorporalpunishment.org.

The following tables summarise the legality of corporal punishment worldwide, organised by:

1. States which have fully prohibited all corporal punishment
2. States which have expressed commitment to full prohibition
3. States with no clear commitment to prohibition
# States prohibiting corporal punishment in all settings

This table shows the 53 states where corporal punishment is now unlawful in all settings, and the legislation which extended prohibition to the home – as it has historically been a gradual process, first achieved in the penal system, then other settings and, finally, in the home.

This in part reflects how societies have inched towards appreciating children as holders of human rights, but from children’s perspective there is no justification for any delay. We hope future prohibiting legislation will comprehensively address all the settings of children’s lives.

<table>
<thead>
<tr>
<th>State</th>
<th>Prohibiting law</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALBANIA</td>
<td>Law on the Protection of the Rights of the Child 2010</td>
</tr>
<tr>
<td>ANDORRA</td>
<td>2014 amendments to Criminal Code 2005</td>
</tr>
<tr>
<td>ARGENTINA</td>
<td>Civil and Commercial Code 2014</td>
</tr>
<tr>
<td>AUSTRIA</td>
<td>General Civil Code as amended 1989</td>
</tr>
<tr>
<td>BENIN</td>
<td>Children’s Code 2015</td>
</tr>
<tr>
<td>BOLIVIA</td>
<td>Children and Adolescents Code 2014</td>
</tr>
<tr>
<td>BRAZIL</td>
<td>2014 amendments to Children and Adolescents Code 1990</td>
</tr>
<tr>
<td>CABO VERDE</td>
<td>Law on Children and Adolescents 2013</td>
</tr>
<tr>
<td>CONGO, REPUBLIC OF</td>
<td>Law on the Protection of the Child 2010</td>
</tr>
<tr>
<td>COSTA RICA</td>
<td>2008 amendments to Code on Children and Adolescents and Family Code</td>
</tr>
<tr>
<td>CROATIA</td>
<td>Family Act 1998, replaced by Family Act 2003</td>
</tr>
<tr>
<td>CYPRUS</td>
<td>Violence in the Family (Prevention and Protection of Victims) Law 1994</td>
</tr>
<tr>
<td>DENMARK</td>
<td>1997 amendment to Parental Custody and Care Act 1995</td>
</tr>
<tr>
<td>ESTONIA</td>
<td>Child Protection Act 2014</td>
</tr>
<tr>
<td>FINLAND</td>
<td>Child Custody and Rights of Access Act 1983</td>
</tr>
<tr>
<td>GERMANY</td>
<td>2000 amendment to Civil Code</td>
</tr>
<tr>
<td>State</td>
<td>Prohibiting law</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>HONDURAS</td>
<td>2013 amendments to Family Code and Civil Code</td>
</tr>
<tr>
<td>HUNGARY</td>
<td>2004 amendment to Child Protection Act 1997</td>
</tr>
<tr>
<td>ICELAND</td>
<td>Children’s Act 2003</td>
</tr>
<tr>
<td>IRELAND</td>
<td>2015 amendment to Offences Against the Person (Non Fatal) Act 1997</td>
</tr>
<tr>
<td>ISRAEL</td>
<td>2000 repeal of “reasonable chastisement” defence</td>
</tr>
<tr>
<td>KENYA</td>
<td>Constitution 2010</td>
</tr>
<tr>
<td>LATVIA</td>
<td>Children’s Rights Protection Law 1998</td>
</tr>
<tr>
<td>LIECHTENSTEIN</td>
<td>Children and Youth Act 2008</td>
</tr>
<tr>
<td>LUXEMBOURG</td>
<td>Law on Children and the Family 2008</td>
</tr>
<tr>
<td>MALTA</td>
<td>2014 amendment to Criminal Code</td>
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<tr>
<td>MONTENEGRO</td>
<td>2016 amendments to Family Law 2007</td>
</tr>
<tr>
<td>NETHERLANDS</td>
<td>2007 amendment to Civil Code</td>
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<tr>
<td>NEW ZEALAND</td>
<td>Crimes (Substituted Section 59) Amendment Act 2007</td>
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<tr>
<td>NICARAGUA</td>
<td>Family Code 2014</td>
</tr>
<tr>
<td>NORWAY</td>
<td>1987 amendment to Parent and Child Act 1981</td>
</tr>
<tr>
<td>PARAGUAY</td>
<td>Law on promotion of good treatment, positive parenting and protection of children and adolescents against corporal punishment or any type of violence as a method of correction or discipline 2016</td>
</tr>
<tr>
<td>PERU</td>
<td>Law prohibiting the use of physical and other humiliating punishment against children and adolescents 2015</td>
</tr>
<tr>
<td>POLAND</td>
<td>2010 amendment to Family and Guardianship Code</td>
</tr>
<tr>
<td>PORTUGAL</td>
<td>2007 amendment to Penal Code</td>
</tr>
<tr>
<td>REPUBLIC OF MOLDOVA</td>
<td>2008 amendment to Family Code</td>
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<tr>
<td>ROMANIA</td>
<td>Law on Protection and Promotion of the Rights of the Child 2004</td>
</tr>
<tr>
<td>SAN MARINO</td>
<td>2014 amendments to Penal Code and Law of 1986 No. 49 on Family Law Reform</td>
</tr>
</tbody>
</table>
### Territories which have prohibited corporal punishment in all settings

Aruba, Netherlands (2016); Greenland, Denmark (2016); St Maarten, Netherlands (2013); Curaçao, Netherlands (2011); Faroe Islands, Denmark (2007); Pitcairn Islands, UK (2003); Pitcairn Islands, UK (2003); Svalbard and Jan Mayen Islands, Norway (1987).

### 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 prohibition has not yet been enacted in legislation.

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

<table>
<thead>
<tr>
<th>State</th>
<th>Prohibited in the home</th>
<th>Prohibited in alternative care settings</th>
<th>Prohibited in day care</th>
<th>Prohibited in schools</th>
<th>Prohibited in penal institutions</th>
<th>Prohibited as sentence for crime</th>
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<tr>
<td>ITALY</td>
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<td>NEPAL²</td>
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<td>NO</td>
<td>NO</td>
<td>NO</td>
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<td>YES</td>
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</tbody>
</table>

1. 1996 Supreme Court judgment ruled against all violence in childrearing but this not yet confirmed in legislation
2. Commitment to prohibition in all settings, including the home, made at July 2006 meeting of South Asia Forum, following 2005 UN Study on Violence against Children regional consultation; 2005 Supreme Court ruling removed legal defence for corporal punishment by parents, guardians and teachers; draft legislation which would prohibit under discussion (2016)
States expressing commitment to law reform in UPR and other contexts

Governments in the following states have expressed a commitment to prohibition of all corporal punishment of children through unequivocally accepting recommendations to prohibit made during the Universal Periodic Review (UPR) of the state concerned and/or in another official context.

<table>
<thead>
<tr>
<th>State</th>
<th>Prohibited in the home</th>
<th>Prohibited in alternative care settings</th>
<th>Prohibited in day care</th>
<th>Prohibited in schools</th>
<th>Prohibited in penal institutions</th>
<th>Prohibited as sentence for crime</th>
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<tbody>
<tr>
<td>AFGHANISTAN</td>
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<td>SOME⁴</td>
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<td>NO</td>
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<tr>
<td>ALGERIA</td>
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<td>ARMENIA</td>
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<td>BAHRAIN</td>
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<td>YES</td>
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<td>BANGLADESH</td>
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<td>NO</td>
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<tr>
<td>BELIZE</td>
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<td>SOME¹⁵</td>
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<td>SOME¹⁷</td>
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<td>BHUTAN</td>
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<tr>
<td>BOSNIA &amp; HERZEGOVINA</td>
<td>SOME¹⁹</td>
<td>SOME²¹</td>
<td>SOME²²</td>
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<td>YES</td>
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<tr>
<td>BURKINA FASO</td>
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<td>NO</td>
<td>SOME²⁶</td>
<td>SOME²⁶</td>
<td>[YES]</td>
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</tbody>
</table>

3. 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
4. Prohibited in preschool provision
5. Lawful under Shari’a law
6. Government accepted UPR recommendation to prohibit in all settings (2012)
7. Government accepted UPR recommendation to prohibit all corporal punishment (2014)
8. Government accepted UPR recommendations to prohibit (2010, 2015); draft legislation which would prohibit under discussion (2015)
9. Unlawful in care institutions
11. Government accepted UPR recommendation to prohibit (2017)
12. 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)
13. Unlawful under 2011 Supreme Court ruling, not yet confirmed in legislation
15. Prohibited in residential care facilities
16. Prohibited in day care centres
17. Prohibited in “Youth Hostel” detention centre
18. 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
19. Code of Conduct and ministerial directives state corporal punishment should not be used but no prohibition in law
20. Government accepted UPR recommendations to prohibit (2015)
21. Prohibited in Republic of Srpska
22. Prohibited in Republic of Srpska
23. Prohibited in Republic of Srpska
24. Draft legislation which would prohibit under discussion (2014)
25. Prohibited in preschool settings
26. Prohibited in primary schools
<table>
<thead>
<tr>
<th>State</th>
<th>Prohibited in the home</th>
<th>Prohibited in alternative care settings</th>
<th>Prohibited in day care</th>
<th>Prohibited in schools</th>
<th>Prohibited in penal institutions</th>
<th>Prohibited as sentence for crime</th>
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<tbody>
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<td>CHILE$^{27}$</td>
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<td>SOME$^{34}$</td>
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<td>SOME$^{25}$</td>
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<tr>
<td>EL SALVADOR$^{36}$</td>
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<td>NO</td>
<td>SOME$^{37}$</td>
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<td>YES</td>
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<tr>
<td>FIJI$^{38}$</td>
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<td>NO</td>
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<td>YES$^{39}$</td>
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<tr>
<td>GEORGIA$^{40}$</td>
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<tr>
<td>GHANA$^{42}$</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO$^{43}$</td>
<td>SOME$^{44}$</td>
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<td>GUINEA-BISSAU$^{45}$</td>
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<td>NO$^{48}$</td>
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<td>INDONESIA$^{52}$</td>
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<td>MARSHALL ISLANDS$^{58}$</td>
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<td>NO</td>
<td>NO</td>
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<td>YES</td>
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</tbody>
</table>

27. Government accepted UPR recommendations to prohibit in all settings (2014); prohibiting legislation under discussion (2016)
28. Government accepted UPR recommendations to prohibit in all settings (2014); draft legislation which would prohibit possibly under discussion (2014)
30. Possibly prohibited in care institutions
31. Possibly prohibited in preschool institutions
32. Government accepted UPR recommendation to prohibit in all settings (2009) and adopted Central American Regional Roadmap on Violence against Children (2011) which recommends full prohibition; prohibiting legislation being drafted (2015)
33. Government accepted UPR recommendation to prohibit in all settings (2012)
34. Prohibited in preschool provision
35. Lawful in indigenous communities
36. Government accepted UPR recommendation to prohibit in all settings (2010); commitment reaffirmed at Directing Council of the Inter-American Children’s Institute meeting (2014)
37. Prohibited in preschool provision
38. Government accepted UPR recommendation to prohibit in all settings (2014)
39. Unlawful under 2002 High Court ruling, not yet confirmed in legislation
40. Government accepted UPR recommendation to prohibit in all settings (2015)
41. Possibly prohibited in care institutions
42. Government accepted UPR recommendations to prohibit in all settings (2008, 2012 and 2017)
43. Ministerial directive possibly advises against corporal punishment but no prohibition in law
44. Prohibited in prisons
45. Government accepted UPR recommendation to prohibit in all settings (2015)
46. Commitment to prohibition in all settings confirmed in report to UN Committee on the Rights of the Child (2011); Government accepted UPR recommendation to prohibit in all settings (2012)
47. Prohibited in care institutions except in Jammu and Kashmir; bill which would prohibit in all childcare institutions under discussion (2014)
48. Bill which would prohibit in anganwadi centres and playschools under discussion (2014)
49. Prohibited for 6–14 year olds except in Jammu and Kashmir; not prohibited in religious schools
50. But prohibiting law not applicable in Jammu and Kashmir
51. Permitted in traditional justice systems
52. Government accepted UPR recommendations to prohibit in all settings (2017)
53. National Standards of Care for Child Welfare Institutions state corporal punishment should not be used but no prohibition in law
54. Lawful under Shari’a law
55. Government accepted UPR recommendations to prohibit in all settings and repeal “reasonable punishment” defence (2015)
56. Government accepted UPR recommendation to prohibit in all settings (2015)
57. Prohibited in residential institutions
58. Government accepted UPR recommendations to prohibit (2015)
59. But some legislation still to be formally repealed
## COMmitted to Prohibition

<table>
<thead>
<tr>
<th>State</th>
<th>Prohibited in the home</th>
<th>Prohibited in alternative care settings</th>
<th>Prohibited in day care</th>
<th>Prohibited in schools</th>
<th>Prohibited in penal institutions</th>
<th>Prohibited as sentence for crime</th>
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<tbody>
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<td>Mozambique</td>
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</tr>
</tbody>
</table>

60. Bill which would prohibit under discussion (2015)
61. Possibly unlawful in preschool provision
63. Prohibited in the state of Guanajuato
64. Prohibited in institutions
65. Prohibited in institutions
66. Government accepted UPR recommendations to prohibit in all settings (2015)
67. Government accepted UPR recommendation to prohibit in all settings (2012)
68. Ministerial direction advises against corporal punishment but no prohibition in law
69. Government in all settings (2016)
70. Government directive advises against corporal punishment but no prohibition in law
71. Government accepted UPR recommendations to prohibit in all settings (2016)
72. Unlawful in state-run childcare under 1991 Supreme Court ruling but some legislation still to be repealed; prohibited in Child Care and Protection Act 2014, not yet in force
73. Unlawful in state-run childcare under 1991 Supreme Court ruling but some legislation still to be repealed; prohibited in Child Care and Protection Act 2014, not yet in force
74. Unlawful under 1991 Supreme Court ruling but some legislation still to be repealed; prohibited in Child Care and Protection Act 2014, not yet in force
75. Unlawful under 1991 Supreme Court ruling but some legislation still to be repealed
76. Draft legislation which would prohibit under discussion (2014)
77. Ministerial Order states corporal punishment should not be used but no prohibition in law
78. Government accepted UPR recommendation to prohibit in all settings (2015)
79. Possibly prohibited in preschool provision
80. Commitment to prohibition in all settings, including the home, made at July 2006 meeting of South Asia Forum, following 2005 UN Study on Violence against Children regional consultation, confirmed 2014 in Government launch of national campaign for law reform
81. Prohibited in Pakistan administered Gilgit–Baltistan
82. Prohibited in Pakistan administered Gilgit–Baltistan, in Islamabad Capital Territory and in Sindh
83. Prohibited in Pakistan administered Gilgit–Baltistan, in Islamabad Capital Territory and in Sindh
84. Prohibited for 5–16 year olds in Punjab; prohibited in Pakistan administered Gilgit–Baltistan, Islamabad Capital Territory and Sindh
85. Prohibited in Juvenile Justice System Ordinance 2000, not applicable in all areas and other laws not amended/repealed; prohibited in Pakistan administered Gilgit–Baltistan, Islamabad Capital Territory and Sindh
86. Lawful under Shari’a law; prohibited in Pakistan administered Gilgit–Baltistan
87. Government accepted UPR recommendations to prohibit (2011, 2016)
88. Government accepted UPR recommendations to prohibit (2016)
89. Government accepted UPR recommendation to prohibit in all settings (2011)
90. Corporal punishment of children “in the care of the Director” prohibited
91. Government accepted UPR recommendation to prohibit in the home and other settings (2012); bill which would prohibit under discussion (2016)
92. Government accepted UPR recommendation to prohibit in all settings and to repeal the “right of correction” (2011, 2015)
<table>
<thead>
<tr>
<th>State</th>
<th>Prohibited in the home</th>
<th>Prohibited in alternative care settings</th>
<th>Prohibited in day care</th>
<th>Prohibited in schools</th>
<th>Prohibited in penal institutions</th>
<th>Prohibited as sentence for crime</th>
</tr>
</thead>
<tbody>
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<td>SOME</td>
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<td>YES</td>
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<tr>
<td>SAO TOME AND PRINCIPE</td>
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<td>NO</td>
<td>YES</td>
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<td>[YES]</td>
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93. Government accepted UPR recommendation to prohibit in the home (2011)
94. Prohibited in early childhood centres
95. Prohibited in government schools for children aged 5–14
96. Government accepted UPR recommendation to prohibit in all settings (2011, 2015)
98. Prohibited in day care which forms part of education system
99. Government accepted UPR recommendations to prohibit in all settings (2016)
100. Prohibited in preschool education
101. But some legislation still to be formally repealed
102. Government accepted UPR recommendation to prohibit in all circumstances (2016)
103. Government accepted UPR recommendation to prohibit (2009); prohibiting legislation being drafted (2015)
104. Government accepted UPR recommendation to prohibit in the home (2012); bill which would prohibit under discussion (2016)
105. 2017 High Court decision ruled the common law defence of “reasonable chastisement” to be unconstitutional but prohibition in law must still be enacted
106. Commitment to prohibition in all settings, including the home, made at July 2006 meeting of South Asia Forum, following UN Study on Violence against Children regional consultation, and reiterated in 2017 when the Government accepted UPR recommendation to prohibit
107. Ministerial circular states corporal punishment should not be used but no prohibition in law
108. Prohibited in prisons
109. Government accepted UPR recommendation to prohibit in all settings (2011)
110. Prohibited in preschool education settings
111. Government accepted UPR recommendations to prohibit in all settings (2012 and 2016)
112. Government accepted UPR recommendation to prohibit (2011)
113. Government accepted UPR recommendations to prohibit (2010, 2015)
114. Government Bill which would prohibit in all settings tabled in 2015 but failed to progress through parliament
115. Government accepted UPR recommendation to prohibit in all settings (2012)
116. Prohibited in preschool provision
117. Unlawful under 1999 Supreme Court ruling but some legislation still to be repealed
118. Government accepted UPR recommendation to prohibit in all settings (2011)
119. 2014 High Court ruling declaring judicial corporal punishment unconstitutional not yet confirmed by Constitutional Court
States without a clear commitment to law reform

The following states have yet to make a clear commitment to prohibiting all corporal punishment. Some 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 have accepted some UPR recommendations to prohibit corporal punishment but rejected other similar recommendations.

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<th>Prohibited in the home</th>
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120. Prohibited in all residential centres and foster care in all states/territories except Northern Territory, Tasmania, Victoria and Western Australia
121. Prohibited in all states/territories except in Northern Territory and Tasmania; prohibition in childminding unconfirmed
122. Prohibited in all states/territories except Northern Territory, Queensland and Western Australia
123. Prohibited in all states/territories except Australian Capital Territory and Western Australia
124. Prohibited in residential institutions
125. Prohibited in preschools and day care centres under the Early Childhood Care (National Standards) Regulations 2015
126. But some legislation possibly still to be repealed
127. Prohibited in 1984 but reintroduced in 1991
128. Prohibited in day nurseries
129. Government accepted UPR recommendation to prohibit (2010) but stated it had already been implemented and all corporal punishment unlawful
130. Draft legislation which would prohibit under discussion (2018); Government gave a mixed response to UPR recommendations to prohibit (2016)
131. Prohibited in institutions in Flemish community
132. Government accepted some UPR recommendations to prohibit but rejected others (2009)
133. Prohibited in childcare centres
134. Possibly prohibited in nursery education
135. 2004 Supreme Court ruling limited but upheld parents’ right to physically punish children; Bill which would prohibit under discussion (2016)
136. Prohibited in state provided care in Alberta, British Columbia and Manitoba and in foster care in Alberta, British Columbia, Manitoba and Ontario; in Ontario prohibited in provincially licensed childcare programmes and in foster homes for children receiving services from provincially licensed/approved child protection agency or other service provider
137. Prohibited in all states/territories except Quebec
138. Unlawful under 2004 Supreme Court ruling but this not yet confirmed in laws relating to private schools and to all schools in Alberta and Manitoba
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139. Government accepted UPR recommendation to prohibit in 2009 but rejected recommendation to prohibit in 2013
140. Possibly prohibited in institutional care settings
141. Possibly prohibited in institutions
142. But corporal punishment of girls prohibited in Shenzhen Special Economic Zone
143. Prohibited in nurseries and kindergartens
144. Possibly unlawful in care institutions
145. Prohibition in indigenous communities unconfirmed
146. Prohibition in indigenous communities unconfirmed
147. Lawful in indigenous communities
148. Prohibited in institutions providing early childhood education
149. Ministerial circular states corporal punishment should not be used but no prohibition in law
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 (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 no prohibition in law
158. Government accepted UPR recommendation to abolish corporal punishment but rejected recommendation to criminalise it (2014)
159. Prohibited in institutions
160. Prohibited in institutions
161. Government accepted UPR recommendation to prohibit (2013) but stated that acceptance of recommendations did not necessarily imply a commitment to further action
162. But courts have recognised a “right of correction”
163. Prohibited in preschool provision
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164. Minimum standards for residential childcare institutions state corporal punishment should not be used but no prohibition in law
165. Ministerial directive advises against corporal punishment but no prohibition in law
166. Prohibited in childcare homes
168. Government accepted UPR recommendation to prohibit in the home (2008) and in all settings (2012) but has also said existing law prohibits
169. Ministerial circular possibly advises against corporal punishment but no prohibition in law
170. Prohibited in some but not all settings in Child Care and Services Development Act 2011
171. Prohibited in some but not all settings in Child Care and Services Development Act 2011
172. Prohibited for persons under 17
173. Prohibited for persons under 17
174. Bill which would prohibit under discussion (2015)
175. Prohibition in foster care unconfirmed
176. Prohibition in crèches and childminding unconfirmed
177. Prohibited in day care centres (kindergartens)
178. Government directive states corporal punishment should not be used but no prohibition in law
179. But possibly prohibited in Kurdistan
180. Prohibited in prisons and detention centres
181. Prohibited in early childhood centres (“basic schools”)
182. Prohibition under discussion (2015); see also note on day care
183. Government accepted UPR recommendation to prohibit all corporal punishment (2008, 2012) but denied that “right to discipline” allows corporal punishment and stated that legislation adequately protects children from “excessive” discipline (2012)
184. Prohibited in Kawasaki City by local ordinance
185. But Tokyo High Court has ruled some physical punishment may be lawful in some circumstances
186. Government accepted UPR recommendation to prohibit in all settings (2009) but stated current laws do not prescribe corporal punishment and subsequently limited but did not repeal right to discipline according to “general custom”
187. Possibly prohibited in institutions
188. Possibly prohibited in children’s villages
189. Prohibited in preschool education and training
190. Government accepted 2010 UPR recommendation to prohibit but subsequently stated existing law adequate; Government accepted 2015 recommendation to prohibit but appeared to defend “simple discipline”
191. Unlawful in early childhood education settings
192. Ministerial directive states corporal punishment should not be used but no prohibition in law
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193. Government accepted UPR recommendation to abolish corporal punishment, stating it was being implemented (2010), but subsequent law reform prohibited only as sentence for crime.
194. Corporal punishment by child protection practitioners prohibited.
195. Corporal punishment by child protection practitioners prohibited.
196. Unlawful in preschool provision.
197. Prohibited in state-run institutions.
198. Prohibited in state-run day care.
199. Prohibition in private schools unconfirmed.
200. Government committed to prohibition (2007); bill which would prohibit (but not under Islamic law) under discussion (2015).
201. Government expressed commitment to prohibition in all settings, including the home, at July 2006 meeting of South Asia Forum, following 2005 UN Study on Violence against Children regional consultation, but law reform in 2014/2015 re-authorised corporal punishment in all settings and Government rejected UPR recommendations to prohibit (2015).
202. Ministry of Education advises against corporal punishment but no prohibition in law.
203. Prohibited in preschools and kindergartens.
204. Ministerial Order states corporal punishment should not be used but no prohibition in law.
205. Government directive advises against corporal punishment but no prohibition in law.
206. But some legislation still to be repealed.
207. Possibly prohibited in preschool education settings.
208. But possibly prohibited in Lagos State.
210. Prohibited in Child Rights Act 2003, not enacted in all states; lawful in some states under Shari’a law.
211. Government accepted some UPR recommendations to prohibit but rejected another similar one, stating corporal punishment already prohibited (2010).
212. Code of Conduct for schools states corporal punishment should not be used but no prohibition in law.
213. Government accepted UPR recommendations to prohibit in all settings (2012) but was unclear on need for prohibition in the home.
216. Prohibited in Seoul.
217. Law prohibits direct (with contact) but not indirect (no contact) physical punishment; fully prohibited in Seoul, Gyeonggi province, Gwangju City and Jeollabukdo province.
218. Prohibited in preschool provision.
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219. Unlawful in preschool provision
220. Government accepted UPR recommendations to prohibit corporal punishment in schools and penal system but stated already prohibited in schools and care settings (2009); recommendations to prohibit in 2013 UPR rejected
221. Ministerial circulars advise against corporal punishment but no prohibition in law
222. Draft legislation to prohibit under discussion (2016)
223. Prohibited for 6-14 year olds
224. Prohibited in childcare centres
225. Government accepted UPR recommendation to prohibit in all settings (2011) but stated review of Penal Code included assessing need for clarification on lawful corporal punishment
226. But used in traditional justice
227. Prohibited in Somalia
228. Prohibited in Somalia
229. Possibly prohibited in Somalia
230. Prohibited in Somalia
231. Prohibited in Somalia
232. But some legislation still to be formally repealed
233. Government accepted some but not all UPR recommendations to prohibit (2015)
234. Prohibited in UNRWA schools and in East Jerusalem; elsewhere Ministerial direction advises against corporal punishment but no prohibition in law
235. Possibly unlawful in East Jerusalem
236. Possibly unlawful in Gaza
237. Possibly prohibited in Khartoum State for children aged 6-13
238. Possibly lawful under Shari’a law
239. Government accepted UPR recommendation to prohibit in schools (2011)
240. 2003 Federal Court ruling stated repeated and habitual corporal punishment unacceptable but did not rule out all corporal punishment in childhood
241. Possibly lawful in family placements
242. Ministry of Education advises against corporal punishment but no prohibition in law
243. Possibly prohibited in care centres
244. Prohibited in preschool institutions
245. 2010 Court of Appeal ruling stated “it might be argued” whipping is unconstitutional but did not declare it such
Information in the above tables 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.

We welcome any updates or corrections: please contact info@endcorporalpunishment.org.

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

246. Government accepted 2008 UPR recommendation to prohibit but in 2013 accepted some UPR recommendations to prohibit and rejected others
247. Prohibited in hospital mental health wing
248. Corporal punishment by police officers prohibited
249. Island courts may order corporal punishment
250. Prohibited in residential institutions and foster care arranged by local authorities and voluntary organisations
251. 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
252. But in 2014 Government confirmed no prohibition in “unregistered independent settings providing part-time education”
253. Prohibited in residential institutions in Zanzibar
254. Prohibited in approved schools and remand homes in Zanzibar
255. Prohibited in Zanzibar
256. Prohibited in all care settings in 31 states, and in some settings in other states and District of Columbia
257. Prohibited in all care settings in 31 states, and in some settings in other states and District of Columbia
258. Prohibited in public schools in 29 states and District of Columbia, and in public and private schools in Iowa and New Jersey; federal bill which would prohibit under discussion (2015)
259. Prohibited in 32 states
260. Permitted in rural areas under customary justice systems
261. Possibly prohibited in preschool provision
Governments that have not already done so should be encouraged to enact and enforce legislation to protect children from all forms of violence, including corporal punishment in all settings, even in the home, and by all perpetrators, including teachers and other school personnel.

UNITED NATIONS CHILDREN’S FUND, A FAMILIAR FACE: VIOLENCE IN THE LIVES OF CHILDREN AND ADOLESCENTS, UNICEF, NEW YORK, 2017

Physical and humiliating punishment breaches the fundamental rights of children, completely disregards their entitlement to respect, dignity and integrity, undermines their development, damages their self-esteem, and perpetuates the thinking that it is alright to hit and hurt others.

CLAUDIANA COLE, MINISTER OF BASIC AND SECONDARY EDUCATION, DELIVERING THE KEYNOTE ADDRESS AT A NATIONAL WORKSHOP ON LAW REFORM TO PROHIBIT PHYSICAL AND HUMILIATING PUNISHMENT IN BANJUL, THE GAMBIA, 12-13 OCTOBER 2017
Launched in Geneva in 2001, the Global Initiative to End All Corporal Punishment of Children works with governments and non-governmental actors towards universal prohibition and elimination of corporal punishment of children – aims which are supported by UNICEF, UNESCO, human rights institutions, and many international and national organisations. The context for all its work is implementation of the Convention on the Rights of the Child.

www.endcorporalpunishment.org

The President’s Foundation for the Wellbeing of Society was established in 2014 by Her Excellency the President of Malta, Marie Louise Coleiro Preca. The Foundation recognises relationships as the fundamental structure nurturing human existence and aims to produce relevant, appropriate and timely research by seeking innovative methodologies to engage with society for the promotion of peace and unity.

pfws.org.mt