Progress towards prohibiting all corporal punishment in South Asia

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The following table summarises the legal status of corporal punishment of children – and progress towards achieving prohibition – in all settings states in all states in South Asia. As at January 2020, one state has achieved prohibition in all settings, including the home; the government of at least one state has expressed a commitment to enacting full prohibition. One state has prohibited corporal punishment in all alternative care settings or in all forms of day care. Three states have prohibited corporal punishment in all schools, three in penal institutions and three as a sentence for crime.

States with full prohibition in legislation
The following state has prohibited corporal punishment in all settings, including the home.

<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>
<tr>
<td>Nepal</td>
<td>YES¹</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
</tbody>
</table>

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. For more information on how End Corporal Punishment assesses states’ commitment, visit https://endcorporalpunishment.org/committed-states/.

<table>
<thead>
<tr>
<th>States committed to law reform …</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
</tr>
<tr>
<td>----------------------------------</td>
</tr>
<tr>
<td>Sri Lanka²</td>
</tr>
</tbody>
</table>

States without a clear commitment to law reform
The following states are not currently committed to prohibiting all corporal punishment. Some have yet to make a clear commitment to law reform. Some have accepted UPR

¹ Prohibited in Act relating to Children 2018
² 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
³ Ministerial circular states corporal punishment should not be used but no prohibition in law
⁴ Prohibited in prisons
recommendations to prohibit but have also indicated that they consider existing legislation adequately protects children from corporal punishment, in conflict with information collected by End Corporal Punishment. Some have accepted some UPR recommendations to prohibit corporal punishment but rejected other similar recommendations. Others had previously committed but have since either backtracked on that commitment or have failed to take action on it.

<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>
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<th>Prohibited in penal institutions</th>
<th>Prohibited as sentence for crime</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>NO</td>
<td>NO</td>
<td>SOME</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Bhutan</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
</tr>
<tr>
<td>India</td>
<td>NO</td>
<td>SOME</td>
<td>NO</td>
<td>SOME</td>
<td>YES</td>
<td>SOME</td>
</tr>
<tr>
<td>Maldives</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Pakistan</td>
<td>SOME</td>
<td>SOME</td>
<td>SOME</td>
<td>SOME</td>
<td>SOME</td>
<td>SOME</td>
</tr>
</tbody>
</table>

Note

The above information is based wherever possible on examination of national legislation; additional information is gathered from many sources, including reports to and by the United Nations human rights treaty bodies. Information in square brackets is unconfirmed. We are very grateful to government officials, UNICEF and other UN agencies, NGOs and human rights institutions, and many individuals who have assisted us in our research. We welcome corrections and updates: email secretariat@end-violence.org. For further details on all states see the individual state reports at www.endcorporalpunishment.org.

5 Had initially committed to prohibition in all settings at July 2006 meeting of South Asia Forum which followed 2005 UN Study on Violence against Children regional consultation, but no progress since
6 Prohibited in preschool provision
7 Lawful under Shari’a law
8 Had initially committed to prohibition in all settings at July 2006 meeting of South Asia Forum which followed 2005 UN Study on Violence against Children regional consultation and Government accepted UPR recommendation to prohibit (2009, 2018), but no progress since
9 Unlawful under 2011 Supreme Court ruling, not yet confirmed in legislation
10 Had initially committed to prohibition in all settings at July 2006 meeting of South Asia Forum which followed 2005 UN Study on Violence against Children regional consultation and Government accepted UPR recommendation to prohibit (2019), but no progress since 2006
11 Code of Conduct and ministerial directives state corporal punishment should not be used but no prohibition in law
12 Had initially committed to prohibition in all settings in report to UN Committee on the Rights of the Child (2011) and Government accepted UPR recommendation to prohibit (2012), but no progress since
13 Prohibited in care institutions except in Jammu and Kashmir; bill which would prohibit in all childcare institutions under discussion (2014)
14 Bill which would prohibit in anganwadi centres and playschools under discussion (2014)
15 Prohibited for 6-14 year olds except in Jammu and Kashmir; not prohibited in religious schools
16 But prohibiting law not applicable in Jammu and Kashmir
17 Permitted in traditional justice systems
18 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)
19 Ministry of Education advises against corporal punishment but no prohibition in law
20 Had initially committed to prohibition in all settings at July 2006 meeting of South Asia Forum which followed 2005 UN Study on Violence against Children regional consultation; but no Pakistan-wide progress since
21 Prohibited in Pakistan administered Gilgit-Baltistan
22 Prohibited in Pakistan administered Gilgit-Baltistan, in Islamabad Capital Territory and in Sindh
23 Prohibited in Pakistan administered Gilgit-Baltistan, in Islamabad Capital Territory and in Sindh
24 Prohibited for 5-16 year olds in Punjab; prohibited in Pakistan administered Gilgit-Baltistan, Islamabad Capital Territory and Sindh
25 Prohibited in Juvenile Justice System Act 2018; unclear whether applicable in all areas and other laws not amended/repealed; prohibited in Pakistan administered Gilgit-Baltistan, Islamabad Capital Territory and Sindh
26 Lawful under Shari’a law; prohibited in Pakistan administered Gilgit-Baltistan, Islamabad Capital Territory and Sindh