

Progress towards prohibiting all corporal punishment in South Asia



GLOBAL INITIATIVE TO
End All Corporal Punishment of Children

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Also available online at www.endcorporalpunishment.org

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.

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Nepal	YES ¹	YES	YES	YES	YES	YES

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 the Global Initiative assesses states' commitment, visit

<https://endcorporalpunishment.org/committed-states/>.

<i>States committed to law reform ...</i>						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Sri Lanka ²	NO	NO	NO	NO ³	SOME ⁴	YES

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

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 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. Others had previously committed but have since either backtracked on that commitment or have failed to take action on it.

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 ⁵	NO	NO	SOME ⁶	YES	NO	NO ⁷
Bangladesh ⁸	NO	NO	NO	YES ⁹	NO	NO
Bhutan ¹⁰	NO	NO	NO	NO ¹¹	[YES]	YES
India ¹²	NO	SOME ¹³	NO ¹⁴	SOME ¹⁵	YES ¹⁶	SOME ¹⁷
Maldives ¹⁸	NO	NO	NO	NO ¹⁹	NO	NO
Pakistan ²⁰	SOME ²¹	SOME ²²	SOME ²³	SOME ²⁴	SOME ²⁵	SOME ²⁶

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

Note

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