

# Progress towards prohibiting all corporal punishment of children in SAIEVAC member states

May 2017

This briefing highlights the human rights imperative to prohibit all violent punishment of children in all member states of the South Asian Association for Regional Cooperation (SAARC) and its apex body for children, the South Asia Initiative to End Violence against Children (SAIEVAC). It summarises progress so far towards prohibition in each state and what remains to be done. Aiming to promote national action for prohibition, it emphasises the many immediate opportunities for working to fulfil children's right to protection in law from all corporal punishment in all settings – in particular, where states are currently reforming legislation related to children, and in relation to the global 2030 Agenda for Sustainable Development and target 16.2 to end all violence against children.

## Why prohibit corporal punishment?

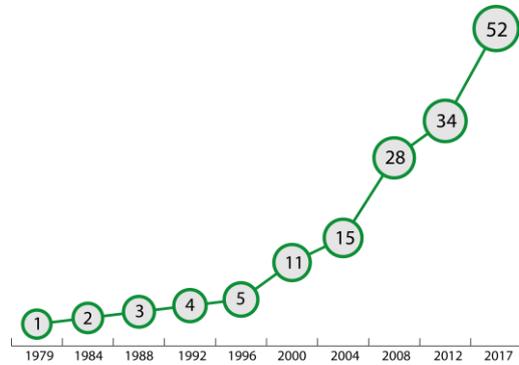
Everyone has a right to protection in law from being hit and hurt, regardless of where they are, who they are with or what the circumstances are. Children are particularly vulnerable to violence – and yet in so many states they are the last to receive this basic legal protection. In many societies, the belief that physical and other humiliating punishment is a necessary part of “disciplining” children is widely held. Some people view the use of violent punishment in childrearing and education as a religious imperative, but the right of freedom of religion does not justify violating a child's right to respect for human dignity and physical and mental integrity. Seeing children as human beings in their own right – and due the protection of their human rights in the same way that adults are – means that corporal punishment cannot be justified.

The UN Committee on the Rights of the Child and other international and regional human rights bodies have made it very clear that all corporal punishment of children must be prohibited and eliminated, including within the family. The issue of corporal punishment has been raised – in many cases repeatedly – in UN treaty body examinations of every SAIEVAC member state. Most have also received recommendations to prohibit corporal punishment during the Universal Periodic Review of their overall human rights records.

Legal protection from all corporal punishment is a right in itself. But prohibition is also critical for fulfilling children's rights to health, development and education. Experience of corporal punishment as a child is associated with poor mental health in childhood and adulthood. Physical punishment is linked to increased aggression and antisocial behaviour in children and an increased likelihood of perpetrating, experiencing and accepting violence as an adult. It damages family relationships and, far from teaching children how to behave, it teaches children that violence is an acceptable way to resolve conflict and makes it less likely they will learn to behave as adults want them to.

## Progress towards prohibition

Progress towards universal prohibition of corporal punishment is rapidly gaining pace. Globally, 52 states have prohibited all corporal punishment including in the home and another 55 have committed to doing so.



All SAIEVAC states expressed commitment to prohibiting all corporal punishment at the July 2006 meeting of the South Asia Forum, following the 2005 regional consultation of the UN Study on Violence against Children, but no state has yet achieved full prohibition.

Corporal punishment has been prohibited in all settings including the home in Pakistan administered Gilgit-Baltistan, and in Nepal, a Supreme Court ruling has declared corporal punishment to be unlawful in all settings but prohibition has not yet been enacted in legislation. Corporal punishment is not comprehensively prohibited in alternative care settings or day care in any SAIEVAC state. Corporal punishment is prohibited in all schools in only two states (Afghanistan and Bangladesh), in all penal institutions in two states (Bhutan and India) and as a sentence for children convicted of a criminal offence in three states (Bhutan, Nepal and Sri Lanka).

## Prohibition of corporal punishment – a foundation for ending violence against children



As a key strategy in reducing and preventing violence in families and societies, prohibition of all violent punishment – the most common form of violence against children – is a critical step towards the achievement of target 16.2 of the 2030 Sustainable Development Agenda (end all violence against children) and is highly relevant to other targets, including those related to health and wellbeing, and to quality education.

Indicator 16.2.1 – one of three indicators adopted by the UN Statistical Commission to monitor progress towards target 16.2 – recognises the centrality of prohibiting and eliminating corporal punishment for ending all violence against children: “Percentage of children aged 1-17 who experienced any physical punishment and/or psychological aggression by caregivers in the past month”.

*“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

## Opportunities for achieving prohibition

Law reform to prohibit corporal punishment is achieved when legislation sends a clear message that all forms of corporal punishment, whatever their level of severity or their perceived impact in terms of “injury” or “harm”, are prohibited in all settings, including within the home. The law must be absolutely clear that discipline of children must never involve physical punishment.

The deeply held view that some degree of violent punishment is necessary or even a duty in childrearing means it is not perceived as an abusive or violent act unless it reaches some level of severity. This is reflected in laws that authorise “moderate” correction or “reasonable” punishment of children – provisions that typically constitute a legal defence against charges of assault. These defences must be explicitly repealed or amended to unequivocally rule out the use of corporal punishment as a “disciplinary” method. It is also vital to repeal all laws authorising or regulating corporal punishment in schools and other institutions, and in penal systems.

The table below summarises the progress made towards prohibition in each of the eight SAIEVAC member states and what remains to be done. Crucially, it identifies some immediate opportunities for drafting and introducing prohibiting legislation. The Global Initiative is pleased to offer technical advice and support on all aspects of drafting prohibiting legislation, and we welcome information on opportunities for action: email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org).

<i>State</i>	<i>Corporal punishment not fully prohibited</i>	<i>Opportunities for law reform and progress towards prohibition</i>	<i>Immediate action required to achieve full prohibition</i>
Afghanistan	Home, alternative care, day care, penal system	Law on Children and Family Protection Law being drafted; Penal Code and Juvenile Code under review; Government expressed commitment to prohibition at July 2006 meeting of the South Asia Forum.	Ensure the Law on Children includes clear prohibition of all corporal punishment and repeal of all defences/ authorisations for its use.
Bangladesh	Home, alternative care, day care, penal system	Law to prohibit corporal punishment in educational institutions and workplaces being drafted; Government expressed commitment to prohibition at July 2006 meeting of the South Asia Forum.	Ensure draft legislation clearly prohibits all corporal punishment and repeals all legal defences for its use in childrearing, and expedite its passage through Parliament.
Bhutan	Home, alternative care, day care, schools	No known moves towards drafting prohibiting legislation; Government expressed commitment to prohibition at July 2006 meeting of the South Asia Forum.	Drafting and introduction of legislation prohibiting all corporal punishment and repeal of all justifications/ authorisations for its use.

<b>State</b>	<b>Corporal punishment not fully prohibited</b>	<b>Opportunities for law reform and progress towards prohibition</b>	<b>Immediate action required to achieve full prohibition</b>
India	Home, alternative care, day care, schools, sentence for a crime	No known moves towards drafting prohibiting legislation; Government expressed commitment to prohibition at July 2006 meeting of the South Asia Forum and accepted 2012 UPR recommendations to prohibit.	Drafting and introduction of legislation prohibiting all corporal punishment including as a sentence in traditional justice systems and repeal of all defences/authorisations for its use.
Maldives	Home, alternative care, day care, schools, penal system	Child Rights Bill and Juvenile Justice Bill being drafted but no known proposals to prohibit corporal punishment; Government rejected 2015 UPR recommendations to prohibit.	Drafting and introduction at earliest opportunity of legislation prohibiting corporal punishment and repeal of all defences/authorisations for its use.
Nepal	Home, alternative care, day care, schools, penal institutions	Draft Children Bill under discussion which is expected to prohibit; Government expressed commitment to prohibition at July 2006 meeting of the South Asia Forum.	Ensure the Children Bill includes clear prohibition of corporal punishment and repeal all defences/authorisations for its use.
Pakistan	Home, alternative care, day care, schools, penal system	Several Bills considered at the regional level to prohibit; Government reaffirmed its commitment in 2014.	Ensure draft regional legislation include clear prohibition of corporal punishment, drafting and introduction of federal Bill prohibiting throughout the territory and repeal of all defences/authorisations for the use of corporal punishment.
Sri Lanka	Home, alternative care, day care, schools, penal institutions	Children and Young Person's Ordinance being reviewed; no known moves towards prohibition; Government expressed commitment to prohibition at July 2006 meeting of the South Asia Forum.	Ensure amendments to the Children and Young Person's Ordinance include clear prohibition of corporal punishment and repeal of all defences/authorisations for its use.



Global Initiative to  
End All Corporal Punishment  
of Children



**Save the Children**

[resourcecentre.savethechildren.net](http://resourcecentre.savethechildren.net)

[www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)