

Ending legalised violence against children

GLOBAL REPORT 2009



Inside: tables of
progress in all
regions – page 24

*Outside classrooms in Mia Omar High School in Jalalabad, Afghanistan.
This school is one of three selected for a pilot project with Save the Children on violence free schools in the district.*

Following up the UN Secretary General's Study on Violence against Children

“Our goal is clear and the progress already made demonstrates how readily it is achievable. The urgency of the goal is poignantly underlined by the imperative of narrowing the gap between political commitments to the realization of children's rights and the persisting distress and hurt of so many children across the world.”

Marta Santos Pais, Special Representative of the UN Secretary General on Violence against Children



Children campaigning in Romania

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International Federation of Social Workers (IFSW)
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International Society for the Prevention of Child Abuse and Neglect (ISPCAN)
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For a full list of all organisation and individual supporters, see www.endcorporalpunishment.org

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Display of campaign messages, Romania

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The human rights foundation for prohibition

In the twenty years since the UN Convention on the Rights of the Child was adopted, the Committee on the Rights of the Child has consistently interpreted it as requiring prohibition in law of all corporal punishment. The Committee has systematically and rigorously recommended explicit prohibition and the removal of legal defences which seek to justify corporal punishment of children by parents and others. This obligation is confirmed, and detailed guidance given on how to fulfil it, in General Comment No. 8 on “The right

of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia)”, adopted by the Committee in 2006. The importance of prohibition as an immediate obligation under human rights law, as well as being “a key strategy for reducing and preventing all forms of violence in societies” (General Comment, para. 3), was taken up by the Independent Expert for the UN Secretary General’s Study on Violence against Children, Professor Paulo Pinheiro, who recommended in his final report to the General Assembly (A/61/299) that all states enact prohibiting legislation.

cont.

Messages



Marta Santos Pais
Special Representative of the UN Secretary General
on Violence against Children

In my first address as newly-appointed SRS to the Third Committee of the General Assembly in October, I indicated that the 12 overarching recommendations of the UN Study led by Paulo Sérgio Pinheiro will provide a strategic navigation chart for my agenda. My immediate focus will be on the development of a well coordinated and well resourced national strategy for the prevention of violence and the protection of children from all its forms, the adoption of a comprehensive and explicit legal ban on all forms of violence against children in each state, and the consolidation of national data protection systems and research to overcome the invisibility and social acceptance of this children’s rights violation.

The Study, integrating children’s own voices, revealed the sad fact that violence – in particular violence disguised as discipline – remains widespread, lawful and socially condoned in countries across regions. By documenting the detail of this situation annually, the Global Initiative both clarifies the urgent target for reform and gives encouragement by highlighting progress and capturing lessons and positive experiences: today, at least 25 states have comprehensive legal bans on all forms of violence, including all corporal punishment, in all settings including the family, and many more governments are engaged in policy reforms to achieve a ban shortly.

Our goal is clear and the progress already made demonstrates how readily it is achievable. The urgency of the goal is poignantly underlined by the imperative of narrowing the gap between political commitments to the realization of children’s rights and the persisting distress

and hurt of so many children across the world.

Children’s right to respect for their human dignity and physical integrity, and to equal protection before the law, demands an end to all currently legalised violence. There is no room for compromise, as the Committee on the Rights of the Child has stressed in its General Comment No. 8 on the right of the child to protection from corporal punishment and all other cruel or degrading forms of punishment. As we celebrate the twentieth anniversary of the Convention on the Rights of the Child and reflect upon the richness of its process of implementation and change, we recognise the urgency and opportunity to move ahead. A clear and explicit national human rights normative foundation is essential, as it conveys a clear message of political commitment and legitimises work to safeguard children’s freedom from violence. While indispensable, legislation is not enough. To promote positive discipline, social mobilisation and behaviour change, legal reform needs to be supported by steady public information and awareness raising efforts, and capacity building initiatives. Moving parents, other carers and teachers on to positive, non-violent forms of discipline demands sustained investment in materials and programmes: but the past few years have left no shortage of models available for adaptation and use.

As a global advocate for the protection of children from all forms of violence, my task is to serve as a catalyst for action and to help to keep this issue high on the international agenda. I know I can count on the support of all those working for the aims of the Global Initiative to move this process successfully forward.

Professor Yanghee Lee Chairperson, UN Committee on the Rights of the Child

As I write, we are approaching the 20th anniversary of the adoption by the General Assembly of the United Nations Convention on the Rights of the Child. We can look back and applaud the overall impact which the Convention and its almost universal ratification have had on the status and lives of children; some celebration is in order.

But there can be no complacency whatsoever; the reporting procedure established by the Convention has made visible the extent of adult wrongs to children. The prevalence of corporal punishment and other cruel or degrading forms of punishment has long been a concern for the Committee. Successive reports from the Global Initiative and its briefings for the Committee and other human rights bodies have shown just how far we are from achieving basic legal protection from deliberate adult assault, let alone enabling children in reality to enjoy their childhoods free of violence.

We must not be deterred by the size of the task of positively transforming harmful traditional forms of discipline and asserting the status of the child as a rights-holder. This report also documents substantial progress and active campaigns in all regions: there is much to build on.



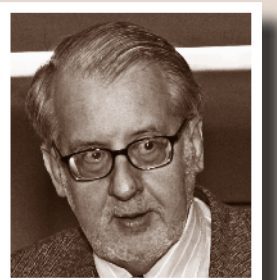
Professor Paulo Sérgio Pinheiro The Independent Expert who led the UN Secretary General’s Study on Violence against Children and Commissioner and Rapporteur on the Rights of the Child, Inter-American Commission on Human Rights, OAS

This further annual report from the Global Initiative makes both frustrating and encouraging reading. The proliferating human-rights-based campaigns against corporal punishment in all regions are encouraging, but the progress towards achieving a clear ban on assaulting children is far from adequate in the face of children’s expectations. Now that the extent of violent punishment of children is known, from my report of the UNSG’s Study and other sources, and is acknowledged as such an obvious human rights violation, how can governments persist in authorising and condoning it? We plainly have to renew and re-energise our efforts towards universal condemnation and prohibition.

During 2009, the Inter-American Commission on Human Rights (IACHR) affirmed in its report on Corporal punishment and human rights of children and adolescents “that the use of corporal punishment as a way to discipline children and adolescents, whether imposed by state agents or when a State permits or tolerates it, constitutes a form of violence against children that wounds their dignity and hence their human rights...”.

The report documents how, despite the recent progress in prohibiting all corporal punishment made in some countries in the region, “flawed legislation on the subject remains on the books in most member states, a problem compounded by the fact that the practice is legitimized by society’s tolerance and acceptance of it. It is vital that the States, in furtherance of their international obligations, explicitly prohibit corporal punishment in their laws...”.

In my role as Rapporteur on the Rights of the Child to the IACHR, you can be sure that I will be energetically pursuing this goal in the period ahead. I warmly welcome the appointment of my friend and colleague Marta Santos Pais as the Secretary General’s Special Representative on violence against children; I will be working closely with her in the next two years to convince countries in the region to ban all corporal punishment.



“It is striking to see ... how adults perceive the concept of rights related to children: they will systematically speak about the rights of their child, when in reality what they have in mind, are their rights over the child. This is not a question of semantics. There is a sea of difference between the two concepts, and it is this distinction which is also at the heart of the animated debate in some European countries, provoked by the Council of Europe’s campaign to abolish corporal punishment of children, at the level of politicians, parents and teachers. It is my belief that corporal punishment sends a message to children that violence is an acceptable means of resolving conflicts between people, and ultimately, even between peoples.”

Maud de Boer-Buquicchio, Deputy Secretary General of the Council of Europe, Annual Full-Day Meeting on the Rights of the Child at the Human Rights Council, “20 Years of the convention on the Rights of the Child: Achievements and Challenges for its full Realisation”, 11 March 2009

Other international human rights treaty monitoring bodies also recommend that states prohibit corporal punishment in implementing the respective conventions, including the Committee Against Torture, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination Against Women, and the Human Rights Committee. In his August 2009 report to the General Assembly (A/64/215), the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment draws attention to the international consensus that corporal punishment should be prohibited, “whether ordered as punishment for a crime or administered as an educative or disciplinary measure” (para. 71). The report concludes (para. 85): “... corporal punishment is inconsistent with the prohibition of torture and other cruel, inhuman or degrading treatment or punishment. States are under an obligation to fully implement this prohibition, hold perpetrators accountable and provide victims with reparation. Domestic legislation providing for corporal punishment cannot be considered compatible with the Convention against Torture.”

In its Resolution on the Rights of the Child, adopted in December 2008, the General Assembly urges all states to take legislative measures to prohibit and eliminate all violence against children in all settings, “to respect fully the rights, human dignity and physical integrity of children and to prohibit and eliminate any emotional or physical violence or any other humiliating or degrading treatment”, “to strive to change attitudes that condone or normalise any form of violence against children, including cruel, inhuman or degrading forms of discipline” and “to take measures to promote constructive and positive forms of discipline and child development approaches in all settings, including the home, schools and other educational settings, and throughout care and justice systems” (A/RES/63/241, para. 27 (a, b, g and h)). The Human Rights Council made similar recommendations in its Resolution on the Rights of the Child adopted in March 2008 (Resolution 7/29, para. 14(c and d)), and in its Resolution on Torture and other cruel, inhuman or degrading treatment or punishment adopted in June 2008 the Council calls on governments “to implement fully the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment” and reminds states that “corporal punishment, including of children, can amount to cruel, inhuman or degrading punishment or even to torture” (Resolution 8/8, paras. 1 and 7a). In the first two years of the Universal Periodic Review process, the Council has repeatedly examined states on the legality of corporal punishment of children.

Regional human rights bodies are increasingly emphasising that compliance with their treaties means prohibiting all corporal punishment. Under the African Charter on the Rights and Welfare of the Child, which came into force ten years ago, states must take legislative measures to protect children from all forms of



Participants in workshop on law reform to prohibit all corporal punishment, Nairobi, 2009

torture and inhuman or degrading treatment (articles 16 and 17) and must ensure that discipline of children, including in the home, respects their human dignity (articles 11 and 20). In its first concluding observations published following examination of a state party report, the Committee recommended prohibition of corporal punishment.

In Europe, the European Court of Human Rights has progressively ruled against corporal punishment of children, and the European Committee of Social Rights has found states which do not prohibit all corporal punishment to be not in conformity with the European Social Charter. In 2008, the Council of Europe launched its *Raise your hand against smacking* campaign, becoming the first regional inter-governmental organisation to campaign for prohibition and elimination of corporal punishment in all its member states. Twenty of the 47 member states have enacted full prohibition and draft legislation is under discussion in many more.

The Inter-American Commission on Human Rights (IACHR) has confirmed prohibition and elimination of corporal punishment of children as a priority issue in the promotion of human rights in member states of the Organisation of American States (OAS). In December 2008, the Commission asked the Inter-American Court of Human Rights to issue an advisory opinion on whether corporal punishment of children is incompatible with various articles in the American Convention on Human Rights and the American Declaration of Human Rights and Duties. In a detailed response, the Court states that an advisory opinion is unnecessary because the existing jurisprudence of the Court and the obligations under other international instruments ratified by states in the region, particularly the Convention on the Rights of the Child, are clear. The Court emphasises that children “have rights and are not just an object of protection”, that they have the same rights as all human beings, that the state must protect these rights in the private as well as the public sphere, and that this requires legislative as well as other measures.

In August 2009, the office of the Rapporteur on the Rights of the Child in the IACHR, Professor Paulo Pinheiro, published a thematic report (*Report on Corporal Punishment and Human Rights of Children and Adolescents*) which calls on OAS member states “to act immediately on the problem of corporal punishment by placing explicit and absolute legal bans on its use in all contexts and, in parallel, by adopting such preventive, educational, and other measures that may be necessary to ensure the eradication of this form of violence, which poses a serious challenge to the wellbeing of children in the Hemisphere” (para. 3). The report includes an analysis of state responsibility in the use of corporal punishment by private citizens and of corporal punishment in relation to those with parental authority. It makes detailed recommendations to member states concerning the actions they should take to achieve full prohibition. It concludes with a “commitment toward cooperating with States in the promotional activities they undertake at the domestic and regional levels in order to eradicate corporal punishment as a way of disciplining children and adolescents” (para. 120). Three states in the region have already achieved prohibition, and draft legislation is under discussion in others.



Children campaigning in Uruguay

“... the use of corporal punishment against children and adolescents, in addition to failing to respect their human rights, denotes a view of children as an object of rights, not a subject thereof – a view that states, in accordance with their international obligations, must overturn.”

Inter-American Commission on Human Rights, Report on Corporal Punishment and Human Rights of Children and Adolescents, 2009, para. 24

2009: what has been achieved – and what hasn't

There are now 25 states worldwide which have enacted laws to prohibit all forms of corporal punishment of children, including by parents and other carers in the family home. And the autonomous government of Southern Sudan achieved full prohibition with the official launch of the new Child Act in April 2009. Governments in at least a further 23 states have made a commitment to full legal prohibition and/or are actively discussing draft laws which would achieve this.

In other states, prohibition is being achieved in settings outside the home. In India, prohibition of school corporal punishment in the Right to Education Act 2009 brought the proportion of the global child population legally protected from corporal punishment in schools to 61%, compared with 41% previously. Laws prohibiting corporal punishment were also enacted in 2009 in relation to all schools in the Cayman Islands (UK), private schools in the Isle of Man (UK), and public schools in Ohio (US) and Ontario (Canada). Draft legislation which would prohibit in schools is under discussion in a number of other states worldwide.

In total, 109 states have prohibited corporal punishment in all schools, 150 as a sentence of the courts, 109 as a disciplinary measure in penal institutions and 36 in all alternative care settings (residential and day care institutions, foster care, etc).

The rate of law reform has increased dramatically in recent years, particularly in the context of the UN Study on Violence against Children. In the ten years since Sweden first achieved prohibition in 1979, three

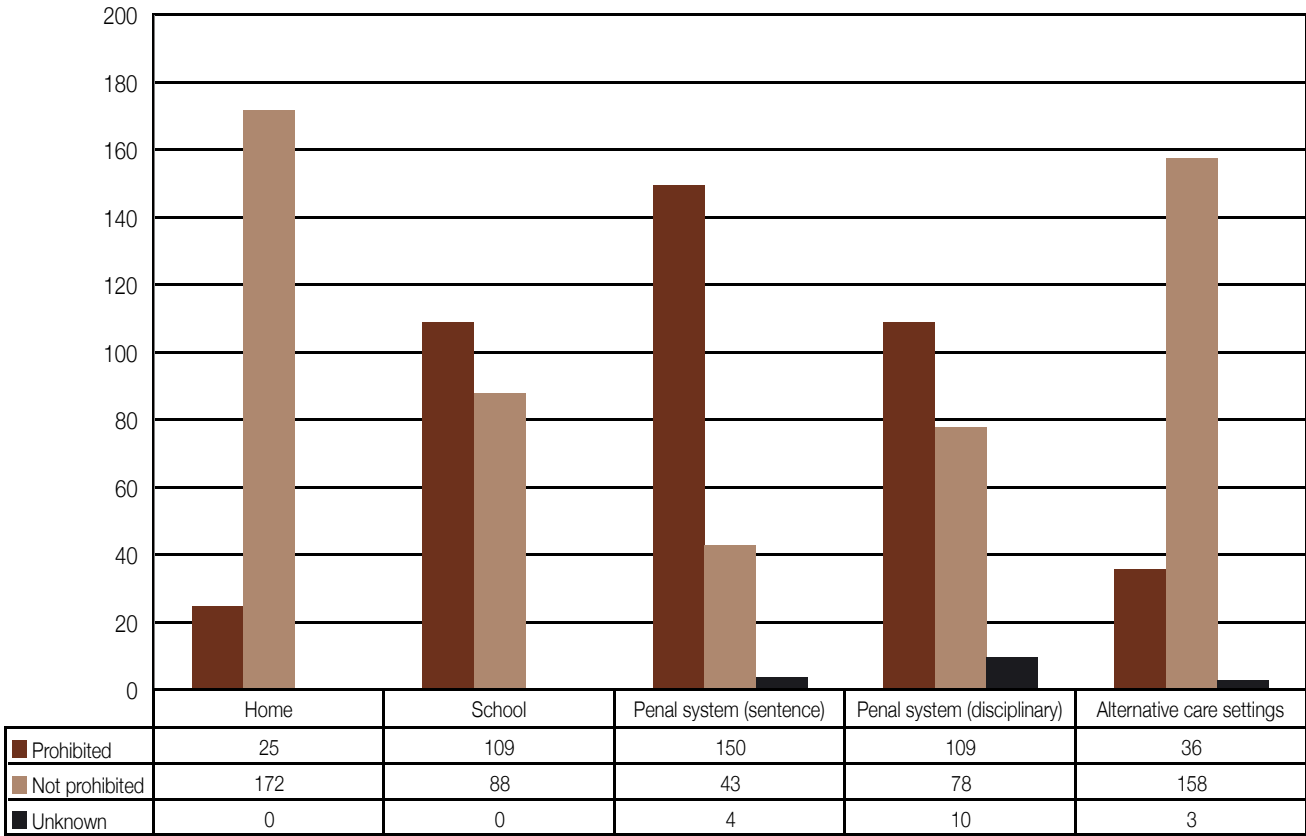
more states did the same; four more states achieved law reform in the following decade. In the decade 1999 to 2009, 17 states enacted laws to give children equal protection from assault.

But still, only 3.2% of the global child population are legally protected from being hit by parents and other carers in the family home. Only 4.6% live in countries where they would be protected in all forms of alternative care. If the governments committed to prohibition achieve law reform, and if prohibiting draft legislation currently under discussion is passed, still less than a fifth of the global child population would be fully protected in law.

Over 150 state governments have made no commitment to prohibiting corporal punishment in the home, despite the vast majority being urged to do so, sometimes repeatedly, by the Committee on the Rights of the Child. Corporal punishment is lawful in schools in almost 90 states. Some governments openly defend the use and legality of corporal punishment in the home, schools and other settings. And in the following states, it is lawful to sentence children to be caned, whipped or flogged in the justice system:

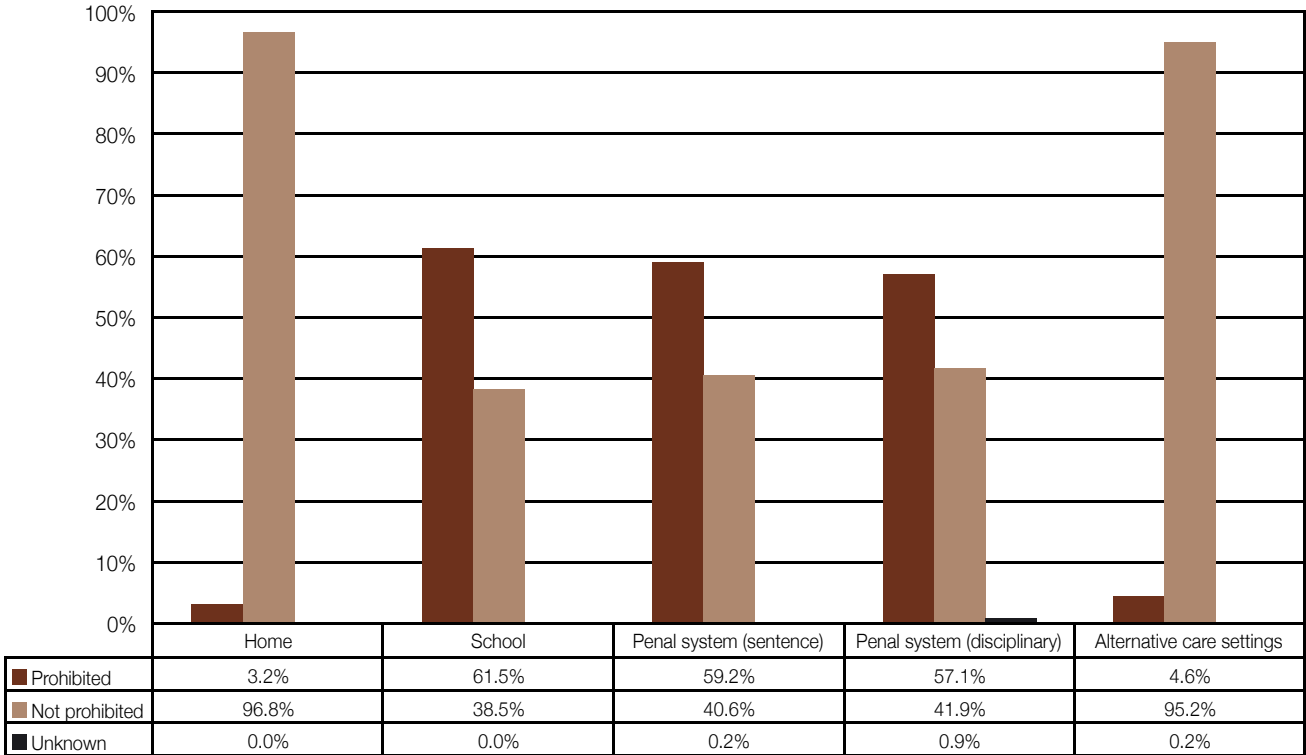
Antigua and Barbuda, Bangladesh, Barbados, Bolivia, Botswana, Brunei Darussalam, Colombia, Dominica, Ecuador, Eritrea, Grenada, Guatemala, Guinea, Guyana, India, Indonesia, Iran, Kiribati, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Nepal, Nigeria, Pakistan, Palestine, Qatar, St Kitts and Nevis, St Vincent and the Grenadines, Sao Tome, Saudi Arabia, Singapore, Somalia, Sudan, Swaziland, Tonga, Tuvalu, United Arab Emirates, United Republic of Tanzania, Vanuatu, Yemen, Zimbabwe.

Number of states prohibiting corporal punishment of children in law

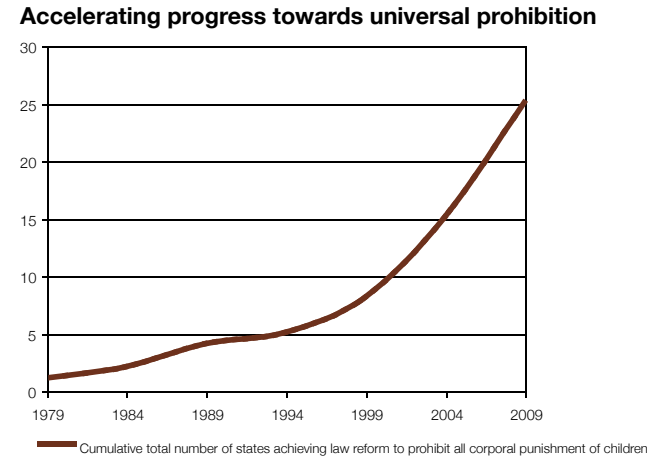


Note: The total number of states included in the analysis is 197, comprising all those that have ratified the UN Convention on the Rights of the Child except for Vatican City (which has no child population), plus Palestine, Somalia, Taiwan, the US and Western Sahara. Information as at November 2009.

Percentage of global child population protected in legislation from corporal punishment



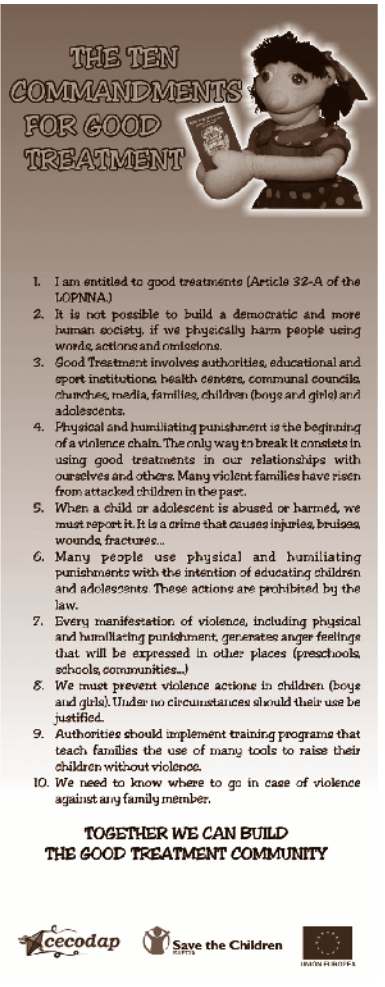
Note: Child population figures (2007) from UNICEF (www.unicef.org, accessed September 2009) (except Cyprus (2002, UNICEF); Serbia and Montenegro (2005, UNICEF); Western Sahara (2005, <http://esa.un.org/unpp/p2k0data.asp>, World Population Prospects, accessed May 2006); Taiwan (2005, Children Bureau, Ministry of Interior))



Laws in countries which have achieved full prohibition

The following countries have enacted laws prohibiting all corporal punishment, including by parents (for further details see www.endcorporalpunishment.org):

| | |
|----------------------------------|---|
| 2008 Luxembourg | Law on Children and the Family, 2008, article 2 |
| 2008 Republic of Moldova | Family Code, amended 2008, articles 53.4 and 62.2 |
| 2008 Southern Sudan ¹ | Interim Constitution, 2005, section 21.1 Child Act, 2008, section 21 |
| 2008 Costa Rica | Family Code, amended 2008, article 143 Code on Children and Adolescents, amended 2008, article 24bis |
| 2007 Spain | Law 54/2007, article 34 |
| 2007 Venezuela | Law for the Protection of Children and Adolescents, amended 2007, articles 32-A and 358 |
| 2007 Uruguay | Code for Children and Adolescents, amended 2007, in force 2008, articles 12bis and 16f |
| 2007 Portugal | Penal Code, amended 2007, article 152 |
| 2007 New Zealand | Crimes Act, amended 2007, section 59 |
| 2007 Netherlands | Civil Code, amended 2007, article 1:247 |
| 2006 Greece | Law on the Combating of Intra-family Violence, 2006, article 4 |



Leaflet supporting prohibition in Venezuela

| | |
|---------------|--|
| 2004 Hungary | Act on the Protection of Children and Guardianship Administration, 1997, amended 2004, article 6.5 |
| 2004 Romania | Law on the Protection and Promotion of the Rights of the Child, 2004, articles 28 and 90 |
| 2003 Ukraine | Family Code, 2003, article 150.7 |
| 2003 Iceland | Children's Act, 2003, article 28 |
| 2003 Bulgaria | Child Protection Act, 2000, amended 2003, article 11.2 |
| 2000 Germany | Civil Code, amended 2000, article 1631 |
| 2000 Israel | Removal of the "reasonable chastisement" defence from criminal law |
| 1998 Croatia | Family Act, 1998, article 87 |
| 1998 Latvia | Law on Protection of the Rights of the Child, 1998, articles 9.2 and 24.4 |
| 1997 Denmark | Parental Custody and Care Act, amended 1997 |
| 1994 Cyprus | Family (Prevention and Protection of Victims) Law, 1994, prohibition reiterated in Act on Violence in the Family, 2000 |
| 1989 Austria | General Civil Code, 1989, section 146a |
| 1987 Norway | Parent and Child Act, amended 1987, article 30 |
| 1983 Finland | Child Custody and Rights of Access Act, 1983, in force 1984, article 1.3 |
| 1979 Sweden | Parenthood and Guardianship Code, amended 1979, article 1 |

“The invention of concepts such as ‘reasonable punishment’ and ‘lawful correction’ arises from the perception of children as the property of their parents. Such ‘rights’ are based on the power of the stronger over the weaker and are upheld by means of violence and humiliation.”

Thomas Hammarberg, Commissioner for Human Rights, Council of Europe, in *Never Violence – Thirty Years on from Sweden’s Abolition of Corporal Punishment*, 2009

¹ Southern Sudan has a separate government and legislative system from Northern Sudan under the Common Peace Agreement but is not an independent state and cannot be counted in the total number of states that have achieved law reform.

Sweden – celebrating 30 years of prohibition

To mark the 30th anniversary since Sweden prohibited corporal punishment of children by parents, the Swedish Ministry of Health and Social Affairs and Save the Children Sweden commissioned a review of the implementation and impact of the law. *Never Violence – Thirty Years on from Sweden's Abolition of Corporal Punishment* describes how the law came about and the changes it has brought to Swedish society.

A massive publicity campaign when the law was enacted in 1979 meant that by 1981 over 90% of families were aware that hitting children was no longer lawful. This was accompanied by changes in behaviour towards children which have continued to this day. Surveys report that in the 1960s most preschool children had been smacked by their parents. This fell to less than 50% in the 1970s and to around a third in the 1980s. Since 2000, the figure has been just a few percent, and children that are smacked experience this less often and much less severely.

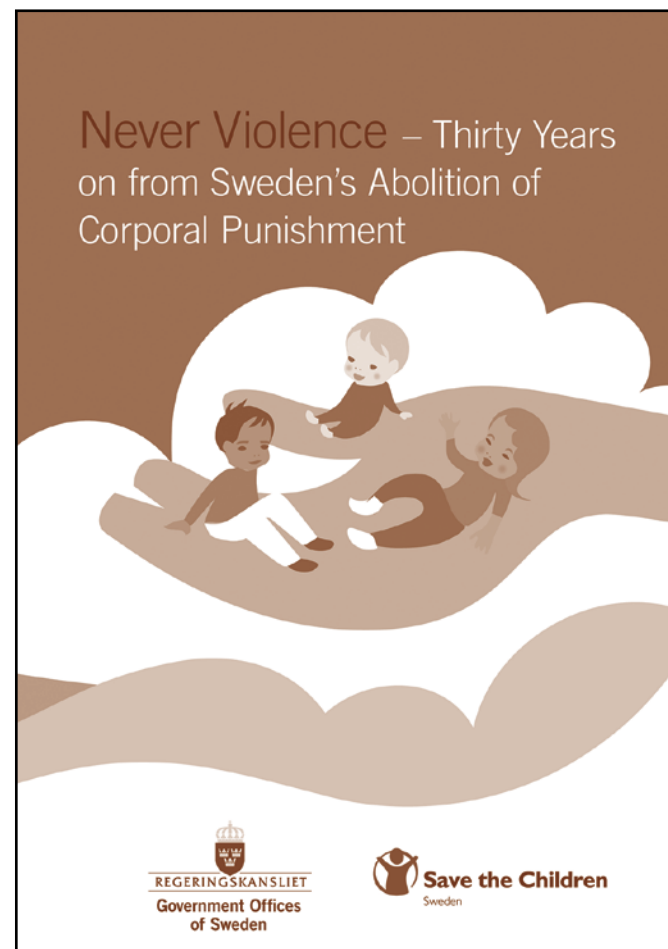
The report dispels some of the myths perpetuated by critics of Sweden's law and opponents of law reform elsewhere. For example, the increase in reports of assaults against children in the 1990s was due to a decrease in public tolerance for hitting children. The proportion of reported assaults that are prosecuted has not increased: all allegations are investigated and a wide range of supportive and preventive measures are in place to help families and children. There is no evidence that criminal behaviour is rising among young people.

Enacting a law which prohibits all corporal punishment does not protect all children immediately. Neither does it occur in a vacuum. The review emphasises the necessity for a long term commitment to realising children's rights to physical integrity and human dignity and to sustained public education and awareness raising. It stresses the importance of engaging all levels of society in ensuring children grow up free from violence:

"No country in the world, no matter how affluent and well run, can easily provide children with the security and freedom from violence and abuse that is their right. Making this vision a reality demands dedication and courage from all adults who are close to children – parents, teachers, neighbours, relatives, friends and others...."

"A civil society attentive to the children in its midst and a state that supports and helps parents and defends children's rights in law are preconditions for carrying on the never-ending task of protecting the right of all children to grow up without ever experiencing physical or mental violence."

The full report is available at www.endcorporalpunishment.org and <http://shop.rb.se>.



Moving towards reform

There are active campaigns for prohibition in increasing numbers of states in all regions. Individual organisations, networks and coalitions of NGOs are increasingly recognising prohibition of corporal punishment as a key child rights issue. Some campaigns are initiating law reform by reviewing current law and drafting and promoting prohibiting legislation. Others are taking opportunities to pursue legal reform in the context of government review of legislation generally and attempts to harmonise national laws with the Convention on the Rights of the Child. But in too many countries, opportunities which could be used to achieve children's right to legal protection from corporal punishment are being missed through lack of advocacy.

This section of the report provides examples of campaigns to prohibit corporal punishment, together with information about opportunities for law reform arising in all regions. Many of the draft laws under discussion do not yet include the necessary prohibition of all corporal punishment of children: **there is an urgent need for campaigns in these countries.**

Africa

A **regional workshop** on achieving law reform to prohibit all corporal punishment, led by Save the Children Sweden, the Global Initiative and the Churches' Network for Non-violence, was held in Nairobi. The key elements of law reform were explored, including how to review legislation and identify where reform is needed, how to work with governments and parliaments and how to turn faith-based opposition into support. National strategies to promote law reform were developed for Ethiopia, Kenya, Northern Sudan, Rwanda, Tanzania and Uganda. Participants from Southern Sudan, where prohibition in all settings has already been achieved, developed a strategy for implementing the law. The final report is available at www.endcorporalpunishment.org.

A group of NGOs in **Kenya** is calling for repeal of the "right of any parent or other person having the lawful control or charge of a child to administer reasonable punishment on him" in article 127 of the Children Act 2001, which is under review. Kenya's Minister for Gender, Children and Social Development, in a speech presented to a public conference in Nairobi in February 2009, stated: "Corporal punishment de-humanizes the child, is brutal and instils fear in the child which inhibits the child's normal growth, productivity and creativity." She concluded: "It is therefore evident that corporal punishment has been overtaken by time. Focus should be placed on alternative forms of instilling discipline and replicating best practices evident elsewhere. It is also incumbent on all of us to identify urgently all the sections in our laws that allow for some caning or corporal punishment so that the necessary action can be taken."

In **Nigeria**, the Child Rights Network (CHIRN) launched a bulletin as part of its campaign to promote prohibition of all corporal punishment. *Discipline ... Ending Violence & Corporal Punishment Against Children* is distributed free to stakeholders in child protection. The bulletin includes interviews with children and government officials on corporal punishment, promotes the recommendations of the UN Study on Violence against Children and the 2009 target date for prohibition of all corporal punishment, and highlights the countries which have already achieved law reform. For further information contact info_chirn@yahoo.com.



Children campaigning in Cote d'Ivoire.

The **Southern African Network** to End Corporal and Humiliating Punishment of Children, formed in 2006, coordinates the promotion of prohibition in Botswana, Lesotho, Mauritius, Mozambique, South Africa, Swaziland and Zambia. In 2009, it launched a dedicated website (www.rapcan.co.za/sanchpc/).

The **Global Initiative**, together with the **African Child Policy Forum**, has launched a project to increase the number of states in Africa committed to and actively pursuing the prohibition and elimination of all corporal punishment of children, in the family and all other settings. The project Coordinator, based in the ACPF headquarters in Addis Ababa, is liaising with organisations who are campaigning for prohibition, or are interested in doing so, and providing technical support and advice. For further information, contact Vohito@africanchildforum.org.

Opportunities for reform in Africa include ...

| | |
|--------------------------|--|
| Angola | Laws being harmonised with CRC; draft legislation to Amend the Law on Detention While Awaiting Trial under discussion; Penal Code, Civil Code and Codes of Civil Procedure and Criminal Procedure under revision; Law on the Penitentiary System being drafted |
| Botswana | Children's Bill and Domestic Violence Bill under discussion |
| Cameroon | New Children's Code planned |
| Chad | Draft Family Code, Code on the protection of children, bill amending Criminal Code on some matters concerning children all under discussion |
| Equatorial Guinea | Children's Code being drafted and Civil Code being amended |
| Eritrea | New Penal and Civil Codes drafted |
| Guinea-Bissau | Laws being harmonised with CRC and African Charter; Domestic Violence law under discussion |
| Kenya | Draft legislation to repeal defence under consideration Family Protection Bill and Children's Amendment Bill to amend the Children Act under discussion |
| Lesotho | Child Protection and Welfare Bill and Education Bill under discussion |
| Liberia | Children's Bill under discussion |
| Malawi | Child (Care, Protection and Justice) Bill and Penal Code Amendment Bill under discussion Education Act under review Law Commission has proposed a Marriage, Divorce and Family Relations Bill |
| Mali | Draft Family Code under discussion |
| Mozambique | Penal Code being revised; draft Domestic Violence law under discussion |
| Namibia | Child Care and Protection Bill under discussion |
| Niger | Family Code and Children's Code being drafted |
| Sudan (Northern) | Draft Child Act under discussion |
| Uganda | Children Act under review; Domestic Violence Bill under consideration |
| UR Tanzania | All legislation relating to children in Zanzibar, including Children's Act, under review |
| Zambia | All laws relating to children under review |
| Zimbabwe | Education Bill possibly under discussion |

Caribbean

In **Guyana**, a group of individuals and organisations against corporal punishment is campaigning for prohibition in schools, following the failure of a motion put before parliament in 2006. The group conducted research on public opinion and the influence of the media to inform a targeted awareness raising campaign and other measures to end school corporal punishment and support prohibition in law.

In **Belize**, the National Organization for the Prevention of Child Abuse and Neglect (NOPCAN) has long advocated abolition of corporal punishment in schools. The Ministry of Education considered abolition when revising the Education Act in 1999, but, in the face of opposition from the Belize National Teachers' Union, retained the use of corporal punishment with some legal limits. NOPCAN held the first teachers' conference on alternative methods of discipline in 2000, and has since conducted in-school teacher training. In 2009, the Ministry of Education consulted stakeholders and the public on proposed revisions to the Education Act, including prohibition of all forms of corporal punishment in all schools. This was publicly and strongly welcomed by NOPCAN. Many teachers have stopped using corporal punishment and now support its abolition as part of the professionalisation of teaching. Prohibition is again under consideration in the revised Education Act and Rules expected to become law by April 2010.

Opportunities for reform in the Caribbean include ...

| | |
|--------------------------------------|---|
| Antigua and Barbuda | Child Care and Adoption Bill, Juvenile Justice Bill, Domestic Violence Bill under consideration |
| Bahamas | Child Protection Bill passed but not in force; Constitution under review |
| Belize | Draft Education Rules under discussion |
| Dominica | Child Care and Adoption Bill, Juvenile Justice Bill, Domestic Violence Bill under consideration |
| Grenada | Child Care and Adoption Bill, Juvenile Justice Bill, Domestic Violence Bill being revised by government |
| Guyana | Protection of Children Bill under discussion |
| Jamaica | Draft Bill to repeal the Flogging Regulation Act (1903) and the Crime (Prevention of) Act (1942) under discussion |
| St Kitts and Nevis | Child Care and Adoption Bill, Juvenile Justice Bill, Domestic Violence Bill under consideration |
| St Lucia | Child Care and Adoption Bill, Juvenile Justice Bill, Domestic Violence Bill under consideration |
| St Vincent and the Grenadines | Child Care and Adoption Bill, Juvenile Justice Bill, Domestic Violence Bill under consideration |
| Trinidad and Tobago | Children Bill under discussion |

Europe and Central Asia

The **Council of Europe** campaign *Raise your hand against smacking!*, launched in June 2008, continues to work towards prohibition of corporal punishment in all 47 member states. Government ministers and other high profile political figures have signed up from Albania, Azerbaijan, Bosnia and Herzegovina, Belgium, Bulgaria, Cyprus, Czech Republic, Finland, Georgia, Greece, Hungary, Italy, Latvia, Luxembourg, Montenegro, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovenia, Spain, Sweden and Turkey. The campaign website has been re-designed and includes many useful resources on how to campaign for law reform and promote positive parenting. Further information and resources in many languages are available at www.coe.int/t/dg3/corporalpunishment/. National campaigns have been launched in Albania, Bosnia and Herzegovina, Czech Republic, Kosovo, Lithuania, Montenegro, Serbia and Turkey.

Nobody's Child Foundation in **Poland** is conducting a media and educational campaign in 2009 to raise awareness of the negative effects of corporal punishment and to promote positive parenting (see www.dziecinstwobezprzemocy.pl). Draft legislation which would achieve full prohibition is also under discussion.

In the **UK**, the Children Are Unbeatable! Alliance, supported by more than 400 organisations, campaigns for equal legal protection for children from assault through complete repeal of the “reasonable punishment” defence. The Alliance conducts public awareness raising on children’s right to equal protection and what this would mean, lobbies

politicians and responds to relevant government consultations. It is associated with a children’s campaign, run by children and young people, and parallel campaigns in Wales, Scotland and Northern Ireland. For further information, see www.childrenareunbeatable.org.uk, www.childrenareunbeatable.org.uk/children (children’s campaign) and www.childreninwales.org.uk/2401.html (Wales).

The Churches’ Network for Non-violence (www.churchesfornon-violence.org) is running a roadshow/exhibition from July 2009 to April 2010. Called *Growing up without violence: End legalised violence against children*, the aim is to visit all regions in England to build new partnerships and multi-faith/community involvement in the campaign for prohibition. CNNV is working with local teams of supporters and volunteers in workshops, seminars, drama, services of worship, and events involving children and young people. New supporters include leaders of bible-based churches including the New Testament Church of God and the Council of African Caribbean Churches.

A collaborative **European Union** project involving the Association for a New Education (Germany), the National Society for the Prevention of Cruelty to Children (UK) and the Nobody–Children Foundation (Poland), Respect Works Out! aims to promote law reform and positive parenting in Europe. A website was launched to share their experiences and to serve as a platform for exchange amongst different organisations, initiatives and interested people working towards similar goals, with a view to fostering cooperation across Europe. Further information at www.respectworks.eu.

Opportunities for reform in Europe and Central Asia include ...

| | |
|-----------------------|---|
| Albania | Draft Law “On Measures for Prevention of Violence In Family Relations” under discussion |
| Czech Republic | Prohibition was due to be considered by the Government Council for Human Rights |
| Estonia | Draft legislation to prohibit due to be submitted to parliament in 2009 |
| Lithuania | Draft legislation under discussion |
| Poland | Government has proposed draft legislation to prohibit |
| Slovakia | Prohibition expected to be included in new Family Code – no further info |
| Slovenia | Draft legislation to prohibit introduced to parliament in 2009 – new Family Code |
| Uzbekistan | Bill on safeguards for children’s rights under discussion |

Latin America

Não Bata, Eduque is a network of about 200 institutions and individuals in **Brazil** that aims to eradicate all corporal punishment of children by promoting respectful relationships within the family and legal prohibition of corporal punishment. Further information at www.naobataedueque.org.br. A major new campaign for law reform to prohibit all corporal punishment is being launched in Rio de Janeiro in December 2009.



Children campaigning in Peru

In **Nicaragua**, the Grupo Promotor del Buen Trato (Promoting Group for Good Treatment) is promoting prohibition. It was joined in 2009 by representatives from the Ministry of Education and the Ministry of the Family and a children’s organisation. A meeting was held with members of parliament and a formal proposal made for including prohibition in the draft Code of the Family. The proposal is supported by the Ombudsman for Children’s Rights. Save the Children and the Ministry of Education jointly published a book on promoting positive discipline in schools and the Ministry issued a new Ministerial Norm prohibiting corporal punishment in schools. A radio and TV spot were produced with the core message “There is always more than one way to educate your child”.

In **Peru**, a coalition of organisations including Save the Children, Plan International, Terre des Hommes and EveryChild are working with the Ombudsman to promote the *Goodbye to Corporal Punishment* campaign. In 2007, Congress gave all-party support to prohibition and draft legislation which would achieve this is under discussion.

Opportunities for reform in Latin America include ...

| | |
|------------------|--|
| Argentina | Draft National Education Bill under discussion Draft Law against Domestic Violence proposed |
| Guatemala | Integral Protection for Marriage and the Family Bill under discussion |
| Nicaragua | Draft Family Code under discussion; proposals made to include prohibition in all settings |
| Peru | Draft legislation to prohibit under discussion |

Middle East

Opportunities for reform in the Middle East include ...

| | |
|-------------------------------|--|
| Bahrain | New child protection legislation under discussion |
| Kuwait | Draft Children’s Code possibly under discussion |
| Lebanon | Penal Code and Law 422 on Juvenile Justice etc. under review; new Child Protection Bill under discussion |
| Libyan Arab Jamahiriya | Draft Penal Code under discussion |
| Oman | Draft Juvenile Justice legislation possibly under consideration |
| Qatar | Children Bill under discussion |
| Syrian Arab Republic | Draft child protection law and civil family code under discussion |

North America

In **Canada**, the campaign to repeal section 43 of the Criminal Code, which allows parents to use reasonable force “by way of correction”, is led by the Repeal 43 Committee, a national, voluntary group of lawyers, paediatricians, social workers and educators formed in 1994. Bill S-209 which would repeal section 43 was introduced to Parliament in January 2009 and in June was referred to the Senate Standing Committee on Legal and Constitutional Affairs. Further information at www.repeal43.org.

In the **US**, Parents and Teachers Against Violence in Education (www.nospank.net) and The Hitting Stops Here (www.thehittingstopshere.com) are campaigning for prohibition of corporal punishment in schools, and the Center for Effective Discipline (www.stop hitting.com) is campaigning against corporal punishment in the home and schools. Events in 2009 included a demonstration against school corporal punishment at the US Capitol Building in Washington and a petition to President Barack Obama to introduce federal legislation to prohibit corporal punishment in all schools. Corporal punishment was prohibited in schools in Ohio during the year.

Opportunities for reform in North America include ...

| | |
|--------|---|
| Canada | Bill to repeal s43 of the Criminal Code under consideration |
| US | Bills to prohibit in schools in some states |

Two major reports were also published in 2009. Professor Elizabeth Gershoff conducted a large scale review of published research on the negative effects of corporal punishment and called for prohibition in all public and private schools and enactment of legislation to give children the same protection from assault as adults. The report (available at www.phoenixchildrens.com/about/community-outreach-education/effective-discipline.html) was endorsed by several national organisations concerned with child wellbeing, including the American Academy of Pediatrics and the American Medical Association, and published by the Center for Effective Discipline. In another report, the American Civil Liberties Union and Human Rights Watch focused on corporal punishment of disabled children in American schools, and found that they are more likely to be physically punished, including by being “paddled”, beaten, spanked, slapped, pinched, dragged across the floor and thrown to the floor. The report is available at www.aclu.org/pdfs/humanrights/impairingeducation.pdf.

Global

Plan International’s global campaign to end violence in school was launched in October 2008. Learn Without Fear is campaigning to prohibit and eliminate corporal punishment in schools in 66 countries in most regions. Further information at <http://plan-international.org/learnwithoutfear>.



SpankOut Day, April 30 2009, Hong Kong

Southeast Asia and Pacific

A **regional workshop** on achieving law reform to prohibit all corporal punishment, led by Save the Children Sweden, the Global Initiative and the Churches’ Network for Non-violence, was held in Bangkok in March. Participants looked at key issues in law reform and during the workshop national strategies were drafted to promote law reform in China, Fiji, Hong Kong, Indonesia, Japan, Lao PDR, Mongolia, Papua New Guinea, Philippines, Republic of Korea, Samoa, Solomon Islands, Thailand, Timor-Leste, Vanuatu and Viet Nam. The final full and summary reports are available at www.endcorporalpunishment.org.

The End Physical Punishment of Children Alliance-Children Are Unbeatable (EPPA-CAU) campaigns for prohibition of all corporal punishment throughout **Australia**, and has drawn up a charter calling on all parliaments in Australia to enact legislation to give children equal protection from assault. In Tasmania, EPOCH (Tas) is consulting on a bill to repeal the provisions for the use of force “by way of correction” in the Tasmanian Criminal Code 1924. A number of reports related to the issue of corporal punishment have been published in Australia, including a study of child homicides in New South Wales which found that the most common cause of death between 1991 and 2005 was child abuse through physical punishment and which led to calls for prohibition. The South Australian government has proposed prohibition of corporal punishment in all schools and early childhood development centres in a Bill expected to be introduced into Parliament before the end of 2009.

Save the Children **Fiji** is in its third year of campaigning against corporal punishment and other inhuman and degrading forms of punishment in Fiji, including for explicit prohibition in all settings. Prior to the political coup in December 2006, a statement calling for an end to physical and emotional punishment of children was endorsed by the then Prime Minister, the Director of Public Prosecutions Office, the Fiji Human Rights Commission and a number of other bodies including teacher training institutions and human rights based organisations, but political instability has impeded further progress with government.

A coalition of 5 national networks was formed in **Mongolia** in 2009, on the initiative of Save the Children, to promote prohibition of corporal punishment. The focus is on amending the Family Law and the Criminal Code which are under review. Legislation to prohibit corporal punishment in the family and alternative care settings has been drafted and presented to government. The campaign also involves disseminating information about law reform through the media, published materials and at meetings, with the aim of achieving prohibition by 2009-2010.

There are networks and alliances promoting prohibition of corporal punishment in the three major island groupings of the **Philippines**. Prohibiting corporal punishment is one of the four legal reform priorities of the Child Rights Network, with Save the Children Sweden as the lead organisation on this issue. The Anti-Corporal Punishment Bill, which would prohibit in all settings, is under discussion.

Opportunities for reform in Southeast Asia and Pacific include ...

| | |
|-------------------|---|
| Cook Islands | Education Bill 2009 under discussion |
| Fiji | Domestic Violence Bill 2008 waiting to be tabled in parliament |
| Indonesia | Draft Criminal Code under discussion |
| Mongolia | Draft legislation to amend Family Code to prohibit under discussion |
| Papua New Guinea | Family Protection Bill under discussion |
| Philippines | Anti-Corporal Punishment Bill under discussion |
| Republic of Korea | Child Welfare Act under review (2009); bill to amend Elementary, Secondary and Higher Education Act laid before National Assembly |
| Samoa | Education Bill under discussion |
| Timor-Leste | In process of adopting new Children’s Code, Penal Code and Civil Code |
| Vanuatu | Family Protection Bill under discussion |

South Asia

In **India**, the National Commission for Protection of Child Rights campaigns against corporal punishment in all settings, and prohibition in schools was achieved in 2009. With UNICEF, the Commission published an advocacy toolkit for the media on the subject of ending corporal punishment – *The right to Protection and Dignity: End Corporal Punishment*. It includes Frequently Asked Questions, information on ethical reporting and involvement of children, and summaries of many aspects of the issue in India which provide a useful model for campaigners putting together similar packs in other countries. An e-group on corporal punishment was set up on Google, which includes a databank of news articles on corporal punishment in India. Further information at www.ncpcr.gov.in/corporal_punishment.htm.

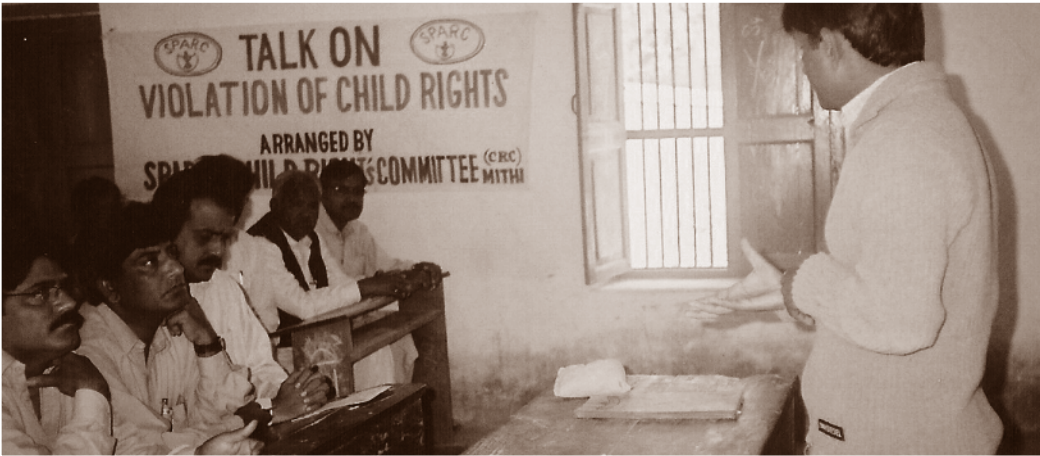
In **Pakistan**, a bill has been presented to parliament which would prohibit corporal punishment

of children. The 20 to 20 campaign is a one year campaign coordinated by Save the Children to advocate for approval and enactment of the bill. The Society for the Protection of the Rights of the Child (SPARC) is also campaigning for prohibition, and is involved in drafting prohibiting legislation. For further information see www.sparcpk.org.

To support law reform through promoting positive parenting, children from Afghanistan, Bangladesh, India, Nepal and Pakistan took part in a qualitative study of parenting styles. The report, *Perceptions of Children on Parenting Practices* published by Save the Children Sweden Regional Office for South and Central Asia, describes children’s views on a range of issues, including corporal punishment. Children said they hate it when they are punished for something they did not do. Physical and psychological punishments were found to be the prime reason for children leaving home, dropping out of school, and ending up in prostitution, jails or on the street.

Opportunities for reform in South Asia include ...

| | |
|------------|--|
| Bangladesh | Children Act under review and National Policy on Children being revised |
| Bhutan | Draft Child Care and Protection Bill under discussion |
| India | Offences Against Children (Prevention) Bill rejected by Ministry of Justice 2007, due to be re-drafted |
| Maldives | Draft Penal Code under discussion |
| Nepal | Education Bill and draft Children’s Bill under discussion |
| Pakistan | Draft legislation to prohibit under discussion |
| Sri Lanka | Children and Young Persons Ordinance under review |



Talking to adults about child rights in a school in Pakistan

Resources to support reform – new in 2009

The Global Initiative published a number of new resources in 2009 to support the promotion of law reform:

- a new section of the website covering international, regional and national campaigns for prohibition
- a new children’s section of the website – www.endcorporalpunishment.org/children
- a revised edition of the popular legal reform handbook, *Prohibiting corporal punishment of children: A guide to legal reform and other measures*, available in English, French and Spanish
- a new series of law reform briefings covering the essential elements of law reform:
 - Briefing 1: Understanding the need for prohibition
 - Briefing 2: Reviewing current law
 - Briefing 3: Drafting prohibiting legislation
 - Briefing 4: Building a national strategy
 - Briefing 5: Working with Government and Parliament
 - Briefing 6: Using legal action and regional and international human rights mechanisms
 - Briefing 7: Key resources to support campaigning
- a booklet of *Frequently Asked Questions* about prohibiting corporal punishment, available in adult and child-friendly versions, and in English, French and Spanish
- a compilation of all the recommendations of the Committee on the Rights of the Child to state parties concerning corporal punishment.

Documents are available on the website for download -

www.endcorporalpunishment.org.

For hard copies, email info@endcorporalpunishment.org.

The Global Initiative also publishes a bi-monthly e-newsletter. To sign up, email info@endcorporalpunishment.org.



Campaigning with children

Involving children and young people is essential in campaigning to end violence against them. Children have the right to have their views heard on all matters that concern them, and only they can say how corporal punishment and other humiliating and degrading treatment feels to them. Children's voices can be a powerful tool for campaigning, shedding new light on issues for adults. And listening to children is itself a step towards building a society where children are treated with respect and not subjected to violence.

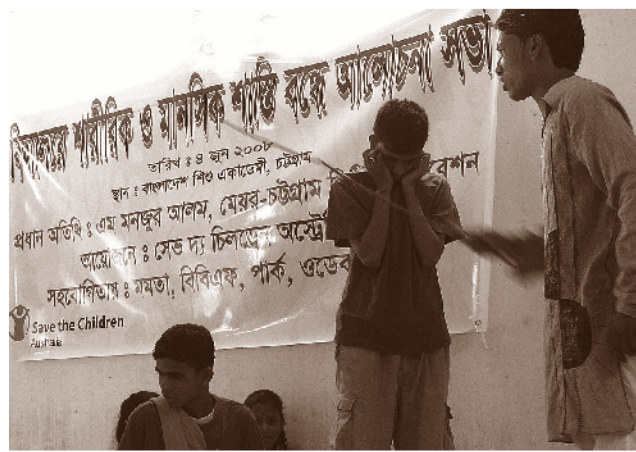
The following summarises some of the ways in which children and young people have been involved in campaigning against corporal punishment worldwide. More detail on the examples given here, and advice and resources for young people who want to take action and adults who want to help them do so, can be found in a new section of the Global Initiative website: www.endcorporalpunishment.org/children.

Research

Research on the prevalence of corporal punishment and children's feelings and thoughts about it has been undertaken in all regions. Children have been involved at all levels – from being participants in adult-led research and simply speaking about their views, to designing and carrying out research themselves.

In **Indonesia**, 60 child participants in adult-led research in 2007 into life for children in institutions went on to design and carry out their own research into the concerns of children living in institutions, including their own institutions. Corporal punishment featured strongly as a concern of the children, and the presentations of the research to adults, including government officials and institution staff, led to promises that corporal punishment would be used less in future.

In 2008, children in **Mongolia** worked together on research which formed the basis of a report to the UN Committee on the Rights of the Child on their chosen theme of "Child protection from abuse and violence". The 28 children designed and carried out the research, during which 180 children were interviewed about their experiences and opinions. The results of the research were published as a written report and two short films.



Children's drama about school corporal punishment, Bangladesh, 2008

Child representatives and children's statements

Adult campaigners have ensured that children's voices are heard by including child speakers at key meetings and conferences. Children's organisations, including those that are child-led, have produced statements on issues that are of importance to their members, including press releases and statements to the media.

In 2005, young people from the **Bangladesh** Youth Parliament organised a meeting with policy-makers on corporal punishment in schools, at which they presented a report on the corporal punishment they had experienced. This report was also used in a 2008 conference on eliminating corporal punishment in schools, at which young people performed a drama.

Ahead of the 2009 **New Zealand** referendum on the child discipline law, representatives from Students Against Violence Everywhere, a youth-led movement, spoke to MPs about why corporal punishment in the home should remain illegal in New Zealand.

Children can be represented on key committees and decision-making bodies. In **Tanzania**, young people attend their local Ward Development Committees, where they can discuss school-related issues that concern them, including corporal punishment. In the Philippines, some members of two child-led campaigns against physical and emotional abuse sit on their Village Councils for the Protection of Children.

Awareness-raising activities and protests

Awareness-raising activities can be aimed at children (letting them know about their own rights), at parents, teachers and other adults (calling for change in individuals' behaviour), and at decision-makers (calling for legal or policy change). Awareness-raising activities often serve as launch events for sustained campaigns.

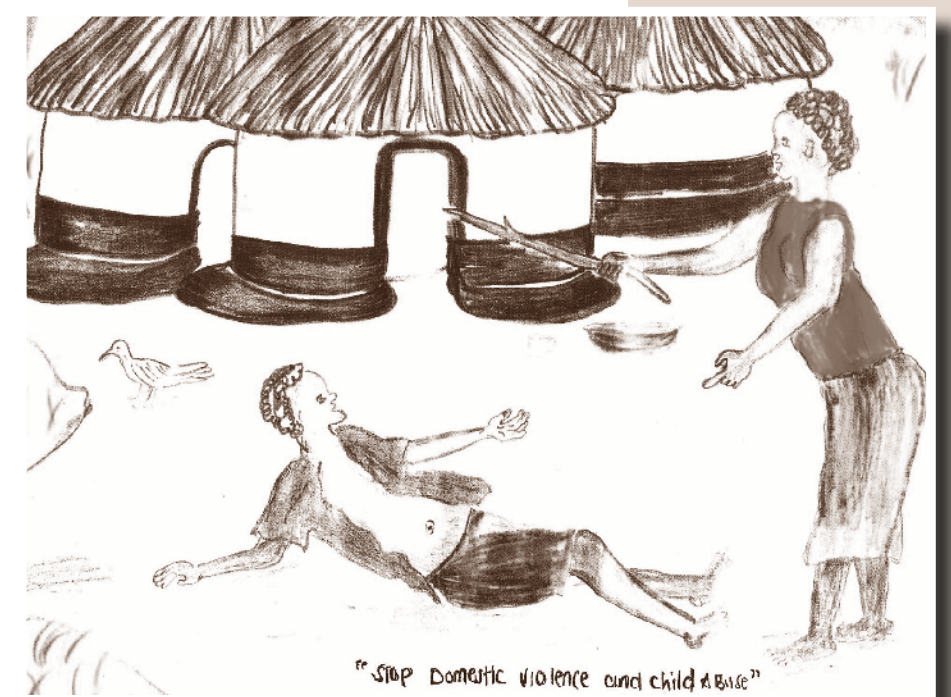
The Save the Children Worldwide Day of Action on Violence Against Children, held on 20 October 2006, 2007 and 2008, provided a focus for these activities in some countries. In 2008, children in **Fiji** organised a dance-off and collected children's handprints; in Laos young people communicated messages on children's rights to other children using games, quizzes, drama, puppet shows, drawing and posters.

In **Vanuatu**, Children's Day is celebrated on 24 July every year. The 2008 day was themed around violence and featured a march calling for an end to violence against children. In Kenya, No Kiboko Day is celebrated on 30 April every year as part of international No Hitting Day.

In April 2009, more than 200 children and adults in Amman, **Jordan**, gathered to call for law reform on violence against children, following media reports of the deaths of two young children due to adult violence.

Positive discipline in schools

In some countries, children and adults in schools have worked together to stop the use of corporal punishment and promote positive discipline. In two schools in **Uganda**, children, teachers and parents formed committees and worked together to design new positive discipline strategies and make their schools into "Good Schools". The programme was successful and the children and adults shared their experience with others, to create more Good Schools. A similar project is planned in **Timor Leste**.



Child's picture about domestic violence, Uganda

"If you beat a dog it is mistreatment, if you beat an adult it is a criminal offence but if you beat a child it's considered in the family as being for the child's own good. We want to get rid of this perverse idea."

Elda Moreno, Council of Europe's Children's Rights Committee, speaking at the national colloquium in Bern, Switzerland, August 2009

Working with faith groups

“To exercise violence against a child is unthinkable for a Christian. Jesus gives a very sharp warning to anyone who harms a child and also says about the children: ‘Whoever welcomes one such child in my name, welcomes me.’”

Sven-Bernhard Fast, General Secretary of the Christian Council of Sweden, in *Never Violence – Thirty Years on from Sweden’s Abolition of Corporal Punishment*, 2009

Religious involvement in the global movement to end corporal punishment of children has broadened considerably during the UN Decade of Non-violence and since the launch of the UN Secretary General’s Study on Violence against Children. There are a growing number of religious communities and organisations working in partnership with others, to address the problem of corporal punishment of children.

Much of this work has been influenced by a consultation of religious leaders in Toledo, Spain in May 2006. Convened by Religions for Peace in partnership with UNICEF to respond to the UN Secretary General’s Study on Violence against Children, the consultation brought together religious leaders and experts from 30 countries to identify approaches and inter-faith actions for confronting violence against children. Participants included representatives from the Buddhist, Christian, Hindu, Jain, Jewish, Muslim and Sikh faiths. A Declaration of religious commitment to address violence against children was produced and formally endorsed at the World Assembly of Religions for Peace, in Kyoto, Japan 2006.

The Declaration includes eight recommendations for religious cooperation to address violence against children and highlights the need to work with governments to ensure the full rights of children consistent with the Convention on the Rights of the Child. Recommendation 6 calls for legislation to prohibit all forms of violence against children, including corporal punishment, and “to establish appropriate mechanisms to ensure the effective implementation of these laws and to ensure that religious communities participate fully in these mechanisms”.

However, there are, in every state in the world those who assert that their faith approves of, or even requires, corporal punishment of children. These groups often use ancient religious texts to back-up their arguments. This justification of violence against children through faith has compelled respected authorities in the world’s major faiths to speak out to create greater awareness among religious communities of the devastating impact of violence on children, and to take strong leadership roles in addressing the problem of corporal punishment.

A number of religious leaders and theologians have stated clearly that there is nothing inherent in their faith which justifies the continued legality and social approval of corporal punishment. Those who have spoken out emphasise that the core values which most faiths share – such as compassion, equality, equity and justice – and the sacred respect which each religion holds for the inherent human dignity of every child, are not compatible with hurting children and causing them pain. They have also spoken out about the meaning of the word “discipline” which has become for some religious groups synonymous with “corporal punishment”.

The South African Council of Churches (SACC) in a paper *Religions, the Promotion of Positive Discipline and the Abolition of Corporal Punishment* (2007) stated: “The root of the word ‘discipline’, in the New Testament comes from the Greek word ‘disciple’ meaning to guide, instruct and to teach. Discipline in the New Testament is never intended as an act of retribution or punishment. Instead its intentions are focused on teaching and acting appropriately as human beings, with supreme dignity.” The paper states: “Contrary to belief, there is no occasion ever in the New Testament where physical punishment is a justifiable means of discipline. Any attempts to justify corporal punishment of children through biblical ‘proof texts’ and/or through psycho-social and religious interpretations of the scriptures is unchristian, unorthodox and in the light of a human rights context, bordering on a dangerous abuse of children’s rights.”

Following a study to assess whether corporal punishment is permitted in Islam, Hademine Ould Saleck, President of the Network of Imams, Islamic Republic of Mauritania, stated: “The evidence that corporal punishment of children is forbidden in Islam is clear and abiding for all of us. Let us stop arguing. We don’t have a choice and we must apply Sharia which fully protects children.”

An example of how religious scholars have helped change attitudes in their communities can be found in the Study, *Children in Islam, their care, protection and development*. It contains research papers and extracts from Koranic verses, Hadiths and Sunnas that provide guidance on children’s rights, and states (page 9): “Shariah forbids any attack on the human body including smacking or other forms of corporal harm or sexual assault.”

The end of the UN Decade for Non-violence (2010) should mark a strengthening of multi-religious commitment and partnerships to end legalised violence against children. A multi-religious dialogue and workshop, “Ending legalised violence against children – a religious imperative”, will be held at the World Parliament of Religions in Melbourne, Australia in December 2009.

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

“No law of the Jewish Religion decrees physical punishment of children. It stands to reason that modern Jews repudiate all degrading treatment of children.”

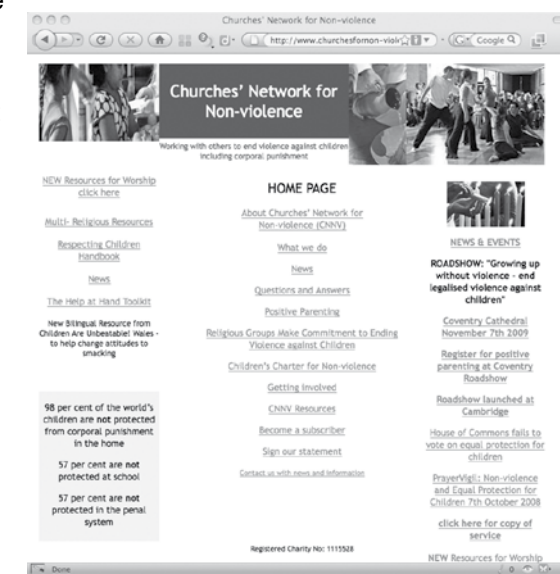
Morton Narrowe, Chief Rabbi Emeritus, in *Never Violence – Thirty Years on from Sweden’s Abolition of Corporal Punishment*, 2009

“The evidence that corporal punishment is forbidden by Islam is clear and abiding for all of us. Let us stop arguing. We don’t have a choice, and we must apply Sharia, which fully protects children.”

Hademine Ould Saleck, President of the Imams’ and Religious Leaders’ Network for Child Rights, Mauritania, May 2009



Launch of campaign Action on Violence Against Children, Kabul, Afghanistan, October 2008



Global progress towards full prohibition

Legal status of corporal punishment of children worldwide (November 2009)

Please note: The following information has been compiled from many sources, including reports to and by the United Nations human rights treaty bodies. **Information in square brackets is unconfirmed.** We are very grateful to government officials, UNICEF and other UN agencies, NGOs and human rights institutions, and many individuals who have helped to provide and check information.
Please let us know if you believe any of the information to be incorrect: info@endcorporalpunishment.org.

States with full prohibition in legislation

The following 25 states have prohibited corporal punishment in all settings, including the home: **Austria** (1989); **Bulgaria** (2000); **Costa Rica** (2008); **Croatia** (1998); **Cyprus** (1994); **Denmark** (1997); **Finland** (1983); **Germany** (2000); **Greece** (2006); **Hungary** (2004); **Iceland** (2003); **Israel** (2000); **Latvia** (1998); **Luxembourg** (2008); **Netherlands** (2007); **New Zealand** (2007); **Norway** (1987); **Portugal** (2007); **Republic of Moldova** (2008); **Romania** (2004); **Spain** (2007); **Sweden** (1979); **Ukraine** (2003); **Uruguay** (2007); **Venezuela** (2007)

Prohibition under autonomous government within state

All corporal punishment is prohibited by law in **Southern Sudan** (2008)

Prohibition by Supreme Court ruling

In the following states, corporal punishment is prohibited in all settings, including the home, by Supreme Court ruling, not yet reflected in legislation: **Italy** (1996); **Nepal** (2005)

| State | Prohibited in the home | Prohibited in schools | Prohibited in penal system | | Prohibited in alternative care settings |
|-----------------------------|------------------------|-----------------------|----------------------------|-------------------------|---|
| | | | As sentence for crime | As disciplinary measure | |
| Czech Republic ⁷ | ✗ | ✗ | ✓ | ✓ ⁸ | ✗ |
| Estonia ⁹ | ✗ | ✓ ¹⁰ | ✓ | ✓ ¹¹ | ✗ |
| Ireland ¹² | ✗ | ✓ | ✓ | ✓ | SOME ¹³ |
| Lithuania ¹⁴ | ✗ | ✓ ¹⁵ | ✓ | ✓ ¹⁶ | ✗ |
| Maldives ¹⁷ | ✗ | ✗ ¹⁸ | ✗ | ✗ | ✗ |
| Pakistan ¹⁹ | ✗ | SOME ²⁰ | SOME ²¹ | ✗ ²² | ✗ |
| Peru ²³ | ✗ | ✗ ²⁴ | ✓ | ✗ | ✗ |
| Poland ²⁵ | ✗ ²⁶ | ✓ | ✓ | ✓ | ✓ ²⁷ |
| Serbia ²⁸ | ✗ | ✓ | ✓ | ✓ | ✗ |
| Slovakia ²⁹ | ✗ | ✓ ³⁰ | ✓ | ✓ | ✓ |
| Slovenia ³¹ | ✗ | ✓ | ✓ | ✓ | SOME ³² |
| Sri Lanka ³³ | ✗ | ✗ ³⁴ | ✓ | SOME ³⁵ | ✗ |
| Taiwan ³⁶ | ✗ | ✓ | ✓ | ✓ | ✗ |

States committed to full prohibition

In each of the following states, corporal punishment is still permitted by law in one or more settings but the government has made a public commitment to enacting full prohibition.

| State | Prohibited in the home | Prohibited in schools | Prohibited in penal system | | Prohibited in alternative care settings |
|--------------------------|------------------------|-----------------------|----------------------------|-------------------------|---|
| | | | As sentence for crime | As disciplinary measure | |
| Afghanistan ¹ | ✗ | ✓ | ✓ | [✗] | ✗ |
| Bangladesh ² | ✗ | ✗ ³ | ✗ | ✗ | ✗ |
| Bhutan ⁴ | ✗ | ✗ ⁵ | ✓ | ✗ | ✗ |
| Brazil ⁶ | ✗ | ✗ | ✓ | ✗ | ✗ |

1

Commitment to prohibition in all settings, including the home, made at July 2006 meeting of the South Asia Forum, following 2005 regional consultation of the UN Secretary General's Study on Violence against Children

2

As for Afghanistan (note 1)

3

Ministerial directives advise against use, but no prohibition in law

4

As for Afghanistan (note 1); draft legislation under discussion (2009)

5

Code of Conduct and ministerial directive state it should not be used but no prohibition in law

6

Bill which would have prohibited in all settings was dropped in 2008; a major new campaign is being launched in December 2009; Government confirmed commitment through the Human Rights Ministry in 2009

7

Government committed to prohibition; as at March 2008, prohibition was due to be considered by the Government Council for Human Rights

8

But no explicit prohibition

9

Government committed to prohibition and draft legislation which would prohibit in all settings due to be submitted to Parliament during 2009

10

But no explicit prohibition

11

But no explicit prohibition

12

Government has stated long-term commitment to prohibition but given no indication of timing

13

Prohibited in pre-school settings except for childminders caring for children of relatives, children of same family or up to three children from different families; guidance advises against its use in foster care and residential care services but no prohibition in legislation

14

Government stated its intention to introduce prohibition in law during January 2006 examination by the Committee on the Rights of the Child; draft legislation under discussion (2009)

15

But no explicit prohibition

16

But no explicit prohibition

17

Commitment to prohibition in all settings as for Afghanistan (note 1), but government has also stated commitment to retaining corporal punishment under Islamic law (2006); draft Penal Code allows for the use of force against a child "for prevention or punishment of his misconduct" by parents, teachers and others

18

Ministry of Education advises against its use but no prohibition in legislation; see previous note

19

Commitment to prohibition in all settings as for Afghanistan (note 1); draft legislation under discussion (2009)

20

Directives in North West Frontier, Punjab and Sindh Provinces state that it should not be used but no prohibition in law

21

Prohibited in 2000 Juvenile Justice System Ordinance but as at October 2009 this not implemented in all areas

22

See previous note

23

Congress has pledged all party support for prohibition (December 2007); legislation which would prohibit in all settings under discussion (2009)

24

Decree states that it should not be used but no explicit prohibition in legislation

25

Commitment confirmed to Council of Europe Commissioner for Human Rights (June 2008); government has proposed draft legislation which would prohibit (2009)

26

Prohibited in 1997 Constitution, but not confirmed in law

27

Prohibition in private institutions unconfirmed

28

Commitment to prohibition stated December 2007

29

Government stated commitment to full prohibition in 2005, expected to be included in new Family Code

30

But no explicit prohibition

31

Government stated intention to explicitly prohibit in the home during 2004 drafting of domestic violence law; draft Family Code which would prohibit under discussion (2009)

32

Prohibited in day care centres and residential schools

33

As for Afghanistan (note 1)

34

Ministerial circular states it should not be used but no prohibition in law

35

Prohibited in prisons, but lawful in other penal institutions

36

Government stated commitment to prohibition in August 2005

Legal reform in progress but no explicit commitment to full prohibition

In the following states, bills are under discussion in Parliament which would achieve full prohibition in law but the government has not publicly committed to full prohibition.

| State | Prohibited in the home | Prohibited in schools | Prohibited in penal system | | Prohibited in alternative care settings |
|----------------------------|------------------------|-----------------------|----------------------------|-------------------------|---|
| | | | As sentence for crime | As disciplinary measure | |
| Canada ³⁷ | ✗ | ✓ ³⁸ | ✓ | ✓ | SOME ³⁹ |
| Nicaragua ⁴⁰ | ✗ | ✓ | ✓ | ✓ | ✗ |
| Philippines ⁴¹ | ✗ | ✓ | ✓ | ✓ | SOME ⁴² |
| South Africa ⁴³ | ✗ | ✓ | ✓ | [✗] ⁴⁴ | ✗ ⁴⁵ |

Others – prohibition incomplete and no commitment to reform

In these states, corporal punishment is permitted by law in some or all settings and there is as yet no public commitment to full prohibition.

| State | Prohibited in the home | Prohibited in schools | Prohibited in penal system | | Prohibited in alternative care settings |
|-------------------|------------------------|-----------------------|----------------------------|-------------------------|---|
| | | | As sentence for crime | As disciplinary measure | |
| Albania | ✗ | ✓ | ✓ | ✓ ⁴⁶ | ✗ |
| Algeria | ✗ | ✓ | ✓ | [✗] | ✗ |
| Andorra | ✗ | ✓ ⁴⁷ | ✓ | ✓ | ✗ |
| Angola | ✗ | ✓ | [✓] | ✗ | ✗ |
| Antigua & Barbuda | ✗ | ✗ | ✗ | ✗ | ✗ |
| Argentina | ✗ | ✗ | ✓ | ✗ | ✗ |
| Armenia | ✗ | ✓ | ✓ | ✓ | ✗ |
| Australia | ✗ ⁴⁸ | SOME ⁴⁹ | ✓ | SOME ⁵⁰ | SOME ⁵¹ |
| Azerbaijan | ✗ | ✓ | ✓ | ✓ | ✗ |
| Bahamas | ✗ | ✗ | [✓] | [✓] | ✗ |

37 Bill S-209 which would repeal section 43 of the Criminal Code allowing the use of force “by way of correction” was introduced to Parliament in January 2009 and in June 2009 was referred to the Senate Standing Committee on Legal and Constitutional Affairs; Standing Senate Committee on Human Rights recommended repeal of the defence by 2009; 2004 Supreme Court ruling upheld parents’ right to administer corporal punishment to children aged 2-12 years, but not using objects and not involving slaps or blows to the head

38 2004 Supreme Court ruling limited use of force by teachers to restraint and removal and excluded corporal punishment; as at October 2009, this not confirmed in legislation relating to private schools, or to any schools in Alberta and Manitoba

39 Prohibited in state provided care in Alberta, British Colombia and Manitoba; in Ontario prohibited in provincially-licensed childcare programmes and foster homes and for all children receiving services from a child protection agency or other service provider licensed or approved by the province; in Quebec no right of correction under the Civil Code but right of correction in Federal Criminal Code applies

40 As at October 2009, proposals had been submitted to include prohibition in draft Family Code

41 Anti-Corporal Punishment Bill under discussion (2009)

42 Prohibited in residential institutions and day care centres

43 Efforts to prohibit corporal punishment by parents through the legislature failed in 2007; a national advocacy campaign continues to promote law reform

44 Prohibited in industry and reform schools in regulations under the 1983 Child Care Act but these possibly repealed by 2005 Children’s Act

45 Prohibited in foster care and child care facilities in regulations under the 1983 Child Care Act but these repealed under the 2005 Children’s Act; as at May 2009, minimum standards state it should not be used but no prohibition in law

46 But no explicit prohibition

47 No explicit prohibition, but education law and regulations recognise dignity of the child

48 In 2003, Law Reform Institute in Tasmania recommended abolition of “reasonable correction” defence from criminal and civil law; as at October 2009, no changes in the law had been made; 2002 law in New South Wales prohibits force to head or neck of child and to any part of the body where likely to cause harm lasting more than a short period

49 Prohibited in Australian Capital Territory, New South Wales, Tasmania and Victoria; South Australian government has proposed prohibition in a bill to be introduced into Parliament by the end of 2009

50 Prohibited in all states and territories except Australian Capital Territory and Western Australia

51 Prohibited in all states and territories in child care centres except Northern Territory, Tasmania and Australian Capital Territory, and in residential centres and foster care except Northern Territory, Tasmania, Victoria, Western Australia and Australian Capital Territory

| State | Prohibited in the home | Prohibited in schools | Prohibited in penal system | | Prohibited in alternative care settings |
|--------------------------|------------------------|-----------------------|----------------------------|-------------------------|---|
| | | | As sentence for crime | As disciplinary measure | |
| Bahrain | ✗ | ✓ | ✓ | ?? | ✗ |
| Barbados | ✗ | ✗ | ✗ | ✗ | [SOME] ⁵² |
| Belarus | ✗ | ✓ ⁵³ | ✓ | ✓ ⁵⁴ | SOME ⁵⁵ |
| Belgium | ✗ | ✓ ⁵⁶ | ✓ | ✓ | SOME ⁵⁷ |
| Belize | ✗ | ✗ ⁵⁸ | ✓ | SOME ⁵⁹ | SOME ⁶⁰ |
| Benin | ✗ | ✗ ⁶¹ | ✓ | [✓] | ✗ |
| Bolivia | ✗ ⁶² | ✗ ⁶³ | SOME ⁶⁴ | ✗ ⁶⁵ | ✗ ⁶⁶ |
| Bosnia & Herzegovina | ✗ | ✓ ⁶⁷ | ✓ | ✓ | ✗ |
| Botswana | ✗ | ✗ | ✗ ⁶⁸ | ✗ | ✗ |
| Brunei Darussalam | ✗ | ✗ | ✗ | ✗ | ✗ |
| Burkina Faso | ✗ | ✓ | ✓ | [✓] | SOME ⁶⁹ |
| Burundi | ✗ | ✗ | ✓ | ✗ | ✗ |
| Cambodia | ✗ | ✓ | ✓ | ✓ | ✗ ⁷⁰ |
| Cameroon | ✗ | ✓ | ✓ | [✓] | ✗ |
| Cape Verde | ✗ | ✗ ⁷¹ | ✓ | ✗ | [✓] |
| Central African Republic | ✗ | ✗ | ?? | ?? | ✗ |
| Chad | ✗ | ✓ | ✓ | ✗ | ✗ |
| Chile | ✗ | ✗ ⁷² | ✓ | ✓ | ✗ |
| China | ✗ ⁷³ | ✓ | ✓ | ✓ | ✗ |
| Colombia | ✗ | ✗ ⁷⁴ | SOME ⁷⁵ | ✗ ⁷⁶ | ✗ |
| Comoros | ✗ | ✗ | [✓] ⁷⁷ | ✗ | ✗ |
| Congo, Republic of | ✗ | [✓] | ✓ | ✗ | ✗ |
| Cook Islands | ✗ | ✗ ⁷⁸ | ✓ | ✗ | ✗ |

52 Prohibited in state-arranged foster care and pre-school settings, and in day care centres and children’s residential centres run by Child Care Board, but lawful in private foster care

53 But no explicit prohibition

54 But no explicit prohibition

55 Considered unlawful in boarding institutions but there is no explicit prohibition in foster care

56 But no explicit prohibition

57 Prohibited in institutions and foster care by decrees in some communities; not prohibited in non-institutional childcare

58 Prohibition under discussion but as at November 2009 draft legislation allows “reasonable force” for purposes of discipline

59 Prohibited in “Youth Hostel” detention centre but lawful in prisons and by law enforcement officials

60 Prohibited in residential care facilities and in day care centres

61 Government circular advises against its use in formal education, but no prohibition in law

62 Legislation prohibits only corporal punishment which is considered harmful

63 See previous note

64 Prohibited in state laws, but ordered by community elders in traditional Indian justice systems

65 See note 62

66 See note 62

67 No explicit prohibition, but unlawful under child protection laws

68 Children’s Bill (2008) would prohibit judicial corporal punishment of children but this would not apply to customary courts

69 Prohibited in institutions; not prohibited in foster care

70 Minimum standards state it should not be used but no prohibition in law

71 Ministry of Education guidelines advise against its use but no prohibition in law

72 Legislation prohibits only corporal punishment resulting in injury

73 But corporal punishment of girls is prohibited in Shenzhen Special Economic Zone

74 Legislation prohibits only corporal punishment resulting in injury

75 Prohibited in laws of the Republic, but under Constitutional case law permitted among indigenous Indian communities

76 See note 74

77 But possibly lawful under Shari’a law and in traditional justice systems

78 Education Bill 2009 would prohibit

| State | Prohibited in the home | Prohibited in schools | Prohibited in penal system | | Prohibited in alternative care settings |
|------------------------------|------------------------|-----------------------|----------------------------|-------------------------|---|
| | | | As sentence for crime | As disciplinary measure | |
| Cote d'Ivoire | ✗ | ✗ ⁷⁹ | ✓ | ✓ ⁸⁰ | ✗ |
| Cuba | ✗ | ✗ | ✓ | ✗ | ✗ |
| Dem. People's Rep. of Korea | ✗ | ✗ ⁸¹ | ✓ ⁸² | [✓] | ✗ |
| Democratic Republic of Congo | ✗ | ✓ | ✓ | ✗ | ✗ |
| Djibouti | ✗ | [✓] | [✓] | ✗ | ✗ |
| Dominica | ✗ | ✗ | ✗ | ✗ | ✗ |
| Dominican Republic | ✗ | ✓ | ✓ | [✓] | ✗ |
| Ecuador | ✗ | ✓ | SOME ⁸³ | ✓ | SOME ⁸⁴ |
| Egypt | ✗ | ✓ | ✓ | ✓ ⁸⁵ | ✗ |
| El Salvador | ✗ | ✓ | ✓ | ✓ | ✗ |
| Equatorial Guinea | ✗ | ✗ | ?? | ?? | ✗ |
| Eritrea | ✗ | ✗ ⁸⁶ | ✗ ⁸⁷ | ?? | ✗ |
| Ethiopia | ✗ | ✓ | ✓ | ✓ | SOME ⁸⁸ |
| Fiji | ✗ ⁸⁹ | ✓ ⁹⁰ | ✓ ⁹¹ | ✓ | ✗ |
| France | ✗ | ✗ ⁹² | ✓ | ✓ ⁹³ | ✗ |
| Gabon | ✗ | ✓ | ?? | ?? | ✗ |
| Gambia | ✗ | ✗ | ✓ | ✗ | ✗ |
| Georgia | ✗ ⁹⁴ | ✓ ⁹⁵ | ✓ | ✓ | SOME ⁹⁶ |
| Ghana | ✗ | ✗ | ✓ | ✗ | ✗ |
| Grenada | ✗ | ✗ | ✗ | ✗ | SOME ⁹⁷ |
| Guatemala | ✗ | ✗ | SOME ⁹⁸ | [✓] | ✗ |
| Guinea | ✗ | ✓ | [✗] | ?? | ✗ |
| Guinea-Bissau | ✗ | ✓ | ✓ | [✓] | ?? |
| Guyana | ✗ | ✗ | ✗ | ✗ | ✗ |
| Haiti | ✗ ⁹⁹ | ✓ | ✓ | ✓ | ✓ |

79 Ministerial circular states it should not be used but no prohibition in law
80 But no explicit prohibition
81 Policy states it should not be used but no prohibition in law
82 But corporal punishment is possibly an element of “public education” sanctions
83 Prohibited in state law but permitted under traditional law in indigenous communities
84 Prohibited in institutions but lawful in other childcare settings
85 But possibly permitted in social welfare institutions
86 Policy states it should not be used but no prohibition in law
87 Lawful under Transitional Penal Code but prohibited in Draft Penal Code
88 Prohibited in institutions by Constitution, but “reasonable chastisement” defence available
89 In 2006, prime minister and other high level offices called for prohibition, but as at October 2009 no progress towards legal reform
90 Ruled unconstitutional in 2002 High Court ruling, but as at October 2009 legislation not amended
91 See previous note
92 1889 High Court ruling allowed “right to correction” for teachers; 2000 ruling stated that habitual and non-educational corporal punishment not covered by this
93 But no explicit prohibition
94 In 2000 under examination by the Committee on the Rights of the Child government stated intention to prohibit in the family, and response to governmental questionnaire of the UN Secretary General’s Study on Violence against Children indicated all corporal punishment is prohibited, but no explicit prohibition in legislation
95 But no explicit prohibition
96 Prohibited in institutional care establishments
97 Prohibited in child care homes by licensing requirements
98 Prohibited in state laws but permitted in traditional justice systems
99 Possibly prohibited by 2001 law, but no unequivocal confirmation

| State | Prohibited in the home | Prohibited in schools | Prohibited in penal system | | Prohibited in alternative care settings |
|------------------------------|------------------------|-----------------------|----------------------------|-------------------------|---|
| | | | As sentence for crime | As disciplinary measure | |
| Honduras | ✗ | ✓ | ✓ | [✓] | ✗ |
| India ¹⁰⁰ | ✗ | ✓ | SOME ¹⁰¹ | SOME ¹⁰² | ✗ |
| Indonesia | ✗ | ✗ | SOME ¹⁰³ | ✗ | ✗ |
| Iran, Islamic Republic of | ✗ | ✓ | ✗ | ✗ | ✗ |
| Iraq | ✗ | ✓ | ✓ | SOME ¹⁰⁴ | ✗ |
| Jamaica | ✗ | SOME ¹⁰⁵ | ✓ | ✓ | ✓ |
| Japan | ✗ ¹⁰⁶ | ✓ ¹⁰⁷ | ✓ | ✓ ¹⁰⁸ | ✗ |
| Jordan | ✗ | ✓ | ✓ | ✓ | [✓] |
| Kazakhstan | ✗ | SOME ¹⁰⁹ | ✓ | ✓ | SOME ¹¹⁰ |
| Kenya | ✗ ¹¹¹ | ✓ | ✓ | ✓ ¹¹² | ✗ ¹¹³ |
| Kiribati | ✗ | ✓ ¹¹⁴ | ✗ ¹¹⁵ | ✗ | ✗ |
| Kuwait | ✗ | ✓ | ✓ ¹¹⁶ | ✗ | ?? |
| Kyrgyzstan | ✗ | ✓ | ✓ | ✓ | SOME ¹¹⁷ |
| Lao People's Democratic Rep. | ✗ | ✓ | ✓ | ✓ ¹¹⁸ | ✗ |
| Lebanon | ✗ | ✗ ¹¹⁹ | ✓ | ✓ | ✗ |
| Lesotho | ✗ | ✗ ¹²⁰ | ✗ ¹²¹ | ✗ | ✗ |
| Liberia | ✗ | ✗ | ✓ | ✗ | ✗ |
| Libyan Arab Jamahiriya | ✗ | ✓ | ✗ | ?? | ?? |
| Liechtenstein | ✗ | ✓ | ✓ | ✓ | SOME ¹²² |
| Madagascar | ✗ | ✗ | ✓ | ✗ | ✗ |
| Malawi | ✗ | ✓ ¹²³ | ✓ ¹²⁴ | ✓ ¹²⁵ | SOME ¹²⁶ |
| Malaysia | ✗ | ✗ | ✗ ¹²⁷ | ✗ ¹²⁸ | ✗ |

100 Government has committed to prohibition in schools and other settings outside the home; 2003 National Charter for Children recognises children’s right to protection from corporal punishment
101 Prohibited in state laws, but used in traditional justice systems
102 Prohibited in 2007 Juvenile Justice (Care and Protection of Children) Rules but these do not apply in Jammu and Kashmir
103 Prohibited in Criminal Code but permitted under Shari’a law in Aceh province and in regional regulations based on Islamic Law in other areas
104 Prohibited in prisons and detention centres but possibly lawful in other institutions accommodating children in conflict with the law
105 Prohibited in schools for children up to the age of 6 years; legislation to prohibit in all schools is being drafted (2009)
106 But prohibited in Kawasaki City by local ordinance
107 Prohibited in 1947 School Education Law but 1981 Tokyo High Court judgment stated that some physical punishment may be lawful in some circumstances
108 But no explicit prohibition
109 Prohibited in regular schools but not in military schools
110 Prohibited in children’s villages, youth homes and other institutions, but no prohibition in foster care or kinship care
111 Draft legislation which would remove the right “to administer reasonable punishment” submitted to the Attorney General (April 2009)
112 But some legislation still to be repealed (May 2009)
113 See note 111
114 Statutory provisions allowing for corporal punishment repealed but no explicit prohibition in legislation
115 Government committed to prohibition (2006)
116 But reintroduction possibly proposed
117 Prohibited in residential institutions
118 But no explicit prohibition
119 Government committed to law reform (2006)
120 Prohibited in Education Bill (2009)
121 Prohibited in Child Protection and Welfare Bill, under discussion July 2008
122 Prohibited in state alternative care settings but not in privately run alternative care settings
123 Prohibited in Constitution; government has recommended explicit prohibition in revised Education Act
124 Prohibited in Constitution, but permitted in other legislation; Penal Code Amendment Bill and Child (Care, Protection and Justice) Bill which would prohibit under discussion (2009)
125 See previous note
126 Prohibited in state institutions by Constitution
127 Government committed to prohibition (2007)
128 See previous note

| State | Prohibited in the home | Prohibited in schools | Prohibited in penal system | | Prohibited in alternative care settings |
|------------------------------|--|--|--|--|--|
| | | | As sentence for crime | As disciplinary measure | |
| Mali |  ¹²⁹ |  |  |  ¹³⁰ |  |
| Malta |  |  ¹³¹ |  |  |  |
| Marshall Islands |  |  |  |  |  |
| Mauritania |  |  ¹³² |  |  |  |
| Mauritius |  |  |  |  |  |
| Mexico |  ¹³³ |  |  |  |  |
| Micronesia, Federated States |  |  ^[134] |  |  |  |
| Monaco |  |  ¹³⁴ |  |  ¹³⁵ |  |
| Mongolia |  ¹³⁶ |  |  |  |  ¹³⁷ |
| Montenegro |  |  |  |  |  |
| Morocco |  |  ¹³⁸ |  |  |  |
| Mozambique |  |  ¹³⁹ |  |  |  |
| Myanmar |  |  ¹⁴⁰ |  ¹⁴¹ |  |  |
| Namibia |  |  |  |  ¹⁴² | SOME ¹⁴³ |
| Nauru |  |  ^[144] |  ^[145] |  |  |
| Niger |  |  |  |  |  |
| Nigeria |  |  | SOME ¹⁴⁴ |  ^[146] |  |
| Niue |  |  |  |  |  ^[147] |
| Oman |  |  |  |  |  |
| Palau |  |  |  |  |  |
| Palestine |  | SOME ¹⁴⁵ |  |  |  |
| Panama |  ¹⁴⁶ |  ¹⁴⁷ |  |  |  ¹⁴⁸ |
| Papua New Guinea |  |  ¹⁴⁹ |  |  | SOME ¹⁵⁰ |
| Paraguay |  |  ¹⁵¹ |  |  |  |

129 Draft Family Code (2009) would remove the right of correction but not explicitly prohibit corporal punishment

130 But no explicit prohibition

131 But no explicit prohibition

132 Ministerial Order states it should not be used but no prohibition in legislation

133 But “right of correction” removed from the Civil Code of the Federal Territory

134 But no explicit prohibition

135 But no explicit prohibition

136 Legislation to prohibit corporal punishment in the family and alternative care settings has been drafted and presented to government (2009)

137 See previous note

138 Ministerial direction advises against its use, but no prohibition in law

139 Government directive advises against its use, but no prohibition in law

140 Government directive advises against its use, but no prohibition in law

141 But some legislation not amended/repealed

142 Declared unconstitutional in 1991 Supreme Court ruling; as at October 2009 not confirmed in legislation but draft legislation under discussion

143 Unlawful in state institutions under 1991 Supreme Court ruling, but not confirmed in legislation; not prohibited in privately administered settings

144 Prohibited as sentence in 2003 Child Rights Act, but this not enacted in all states and other legislation not amended; lawful as a sentence in some areas under Shari’a law

145 Prohibited in UNRWA schools; in public schools, ministerial direction advises against its use, but no prohibition in law

146 Legislation prohibits only corporal punishment which results in injury

147 See previous note

148 See note 146

149 Government directive advises against its use but no prohibition in legislation

150 2007 Lukautim Pikinini (Child Welfare) Act prohibits corporal punishment of children “in the care of the Director”, but applicability to all alternative care settings unconfirmed

151 Legislation protects dignity but does not explicitly prohibit corporal punishment

| State | Prohibited in the home | Prohibited in schools | Prohibited in penal system | | Prohibited in alternative care settings |
|----------------------------|--|--|--|--|--|
| | | | As sentence for crime | As disciplinary measure | |
| Qatar |  |  ¹⁵² |  |  |  |
| Republic of Korea |  |  ¹⁵³ |  |  | [SOME] ¹⁵⁴ |
| Russian Federation |  |  |  |  |  |
| Rwanda |  |  ¹⁵⁵ |  |  |  |
| Saint Kitts & Nevis |  |  |  |  |  |
| Saint Lucia |  |  |  |  |  |
| Saint Vincent & Grenadines |  |  |  |  |  |
| Samoa |  |  ¹⁵⁶ |  |  ^[157] |  |
| San Marino |  |  |  |  |  |
| Sao Tome & Principe |  |  ^[158] | SOME ¹⁵⁷ |  |  |
| Saudi Arabia |  |  ¹⁵⁸ |  |  |  |
| Senegal |  |  |  |  ¹⁵⁹ |  |
| Seychelles |  |  ¹⁶⁰ |  |  ^[159] |  ^[160] |
| Sierra Leone |  ¹⁶¹ |  ¹⁶² |  |  |  |
| Singapore |  |  |  |  | SOME ¹⁶³ |
| Solomon Islands |  |  |  |  |  |
| Somalia |  |  |  ¹⁶⁴ |  |  |
| Sudan (Northern) |  |  ¹⁶⁵ |  ¹⁶⁶ |  |  |
| Suriname |  |  ^[160] |  |  |  |
| Swaziland |  |  ¹⁶⁷ |  ¹⁶⁸ |  ¹⁶⁹ |  ¹⁷⁰ |
| Switzerland |  ¹⁷¹ |  ¹⁷² |  |  |  |
| Syrian Arab Republic |  |  ¹⁷³ |  |  |  |
| Tajikistan |  |  |  |  |  |
| Thailand |  |  |  ¹⁷⁴ |  ¹⁷⁵ |  |

152 Ministerial Decree states it should not be used but no prohibition in legislation

153 Draft legislation would prohibit (2009)

154 Possibly prohibited in child care institutions

155 Legislation in preparation (2005)

156 Policy states it should not be used but no prohibition in law

157 Prohibited for persons under the age of 17 years, but possibly lawful for those aged 17 years

158 Ministerial circulars advise against its use but no prohibition in law

159 But no explicit prohibition

160 Policy states it should not be used but no prohibition in law

161 Sierra Leone Truth and Reconciliation Commission has recommended prohibition in the home and schools (2004), but 2007 Child Rights Act reaffirms right to correct

162 See previous note

163 Prohibited in child care centres

164 Ordered by Islamic courts

165 Prohibited in draft Child Act under discussion (2009)

166 Possibly prohibited in draft Child Act under discussion (2009)

167 Proposals have been made to prohibit in draft legislation (2008)

168 See previous note

169 See note 167

170 See note 167

171 2003 Federal Court ruling stated repeated and habitual corporal punishment unacceptable, but did not rule out right of parents to use corporal punishment; draft legislation to prohibit rejected by Parliament in 2008

172 Prohibited by federal law pursuant to cantonal legislation; 1991 Federal Court ruled it permissible in certain circumstances, but this considered impossible under current legislation

173 Ministry of Education advises against its use but no prohibition in law

174 But some legislation not amended (May 2008)

175 See previous note

| State | Prohibited in the home | Prohibited in schools | Prohibited in penal system | | Prohibited in alternative care settings |
|------------------------------|------------------------|-----------------------|----------------------------|-------------------------|---|
| | | | As sentence for crime | As disciplinary measure | |
| TFYR Macedonia | ✗ | ✓ | ✓ | ✓ | ✓ |
| Timor-Leste, Democratic Rep. | ✗ | ✗ ¹⁷⁶ | ✓ | ✓ | ✗ ¹⁷⁷ |
| Togo | ✗ ¹⁷⁸ | ✓ | ✓ | ✓ | ✓ |
| Tonga | ✗ | ✓ | ✗ | ✗ | ✗ |
| Trinidad & Tobago | ✗ | ✗ ¹⁷⁹ | ✓ | ✗ ¹⁸⁰ | ✗ ¹⁸¹ |
| Tunisia | ✗ | ✗ ¹⁸² | ✓ | ✓ | ✗ |
| Turkey | ✗ | ✗ | ✓ | ✓ | ✗ |
| Turkmenistan | ✗ ¹⁸³ | ✓ | ✓ | ✓ | ✗ ¹⁸⁴ |
| Tuvalu | ✗ | ✗ | SOME ¹⁸⁵ | ✗ | ✗ |
| Uganda | ✗ ¹⁸⁶ | ✗ ¹⁸⁷ | ✓ | ✓ | ✗ ¹⁸⁸ |
| United Arab Emirates | ✗ | ✓ | ✗ | ✗ | ✗ |
| United Kingdom | ✗ ¹⁸⁹ | ✓ | ✓ | ✓ ¹⁹⁰ | SOME ¹⁹¹ |
| United Republic of Tanzania | ✗ | ✗ ¹⁹² | ✗ | ✗ | ✗ |
| United States of America | ✗ | SOME ¹⁹³ | ✓ | SOME ¹⁹⁴ | SOME ¹⁹⁵ |
| Uzbekistan | ✗ | ✓ | [✓] | ✓ | ✗ |
| Vanuatu | ✗ | ✓ | SOME ¹⁹⁶ | ✓ ¹⁹⁷ | ✗ |
| Viet Nam | ✗ | ✗ | ✓ | ✓ | ✗ |
| Western Sahara | ✗ | [✗] | [✓] | [✓] | [✗] |
| Yemen | ✗ ¹⁹⁸ | ✓ | ✗ | ✗ | ✗ ¹⁹⁹ |
| Zambia | ✗ | ✓ ²⁰⁰ | ✓ ²⁰¹ | ✓ ²⁰² | ✗ ²⁰³ |
| Zimbabwe | ✗ | ✗ | ✗ | ✗ | ✗ |

176 Government committed to prohibition (2005)

177 Policy advises against its use in child care centres, orphanages and boarding houses, but no prohibition in law

178 Possibly prohibited in 2007 Children's Code

179 Children Bill which would prohibit under discussion (2009)

180 See previous note

181 Policy advises against its use in health care and psychiatric institutions but no prohibition in law

182 Ministerial circular states it should not be used but no prohibition in law

183 2002 Rights of the Child (Guarantees) Act prohibits only corporal punishment considered to be harmful

184 See previous note

185 Unlawful under Penal Code and Code of Criminal Procedure, but Island Courts may order corporal punishment

186 Recommendations have been made to include prohibition in draft Child Law (May 2008)

187 Ministerial circular advises against its use but no prohibition in law; possibly prohibited in Education Bill (May 2008); see previous note

188 See note 186

189 Scotland: 2003 Criminal Justice (Scotland) Act restricts common law defence by introducing concept of "justifiable assault" of children and defining blows to head, shaking and use of implements as unjustifiable; England and Wales: 2004 Children Act maintains "reasonable punishment" defence for cases of common assault; similar provision introduced in Northern Ireland by the 2006 Law Reform (Miscellaneous Provisions) (Northern Ireland) Order

190 But not explicitly prohibited in secure training centres

191 Prohibited in residential care institutions and foster care arranged by local authorities or voluntary organisations, and in day care institutions and childminding in England and Wales and Scotland; guidance advises against its use in day care institutions and childminding in Northern Ireland but no prohibition in law; not prohibited in private foster care

192 Ministerial policy in Zanzibar is against its use but no prohibition in law

193 Prohibited in public and private schools in Iowa and New Jersey, and in public schools in a further 28 states and District of Columbia

194 Prohibited in 31 states

195 Prohibited in all alternative care settings in 30 states and in some settings in other states and District of Columbia

196 Used in rural areas for punishment of children found to have broken village or custom rules

197 But no explicit prohibition

198 Proposals have been made to restrict, but not prohibit, corporal punishment (May 2008)

199 See previous note

200 But no explicit prohibition; prohibited in draft Constitution, as at October 2009 not in force

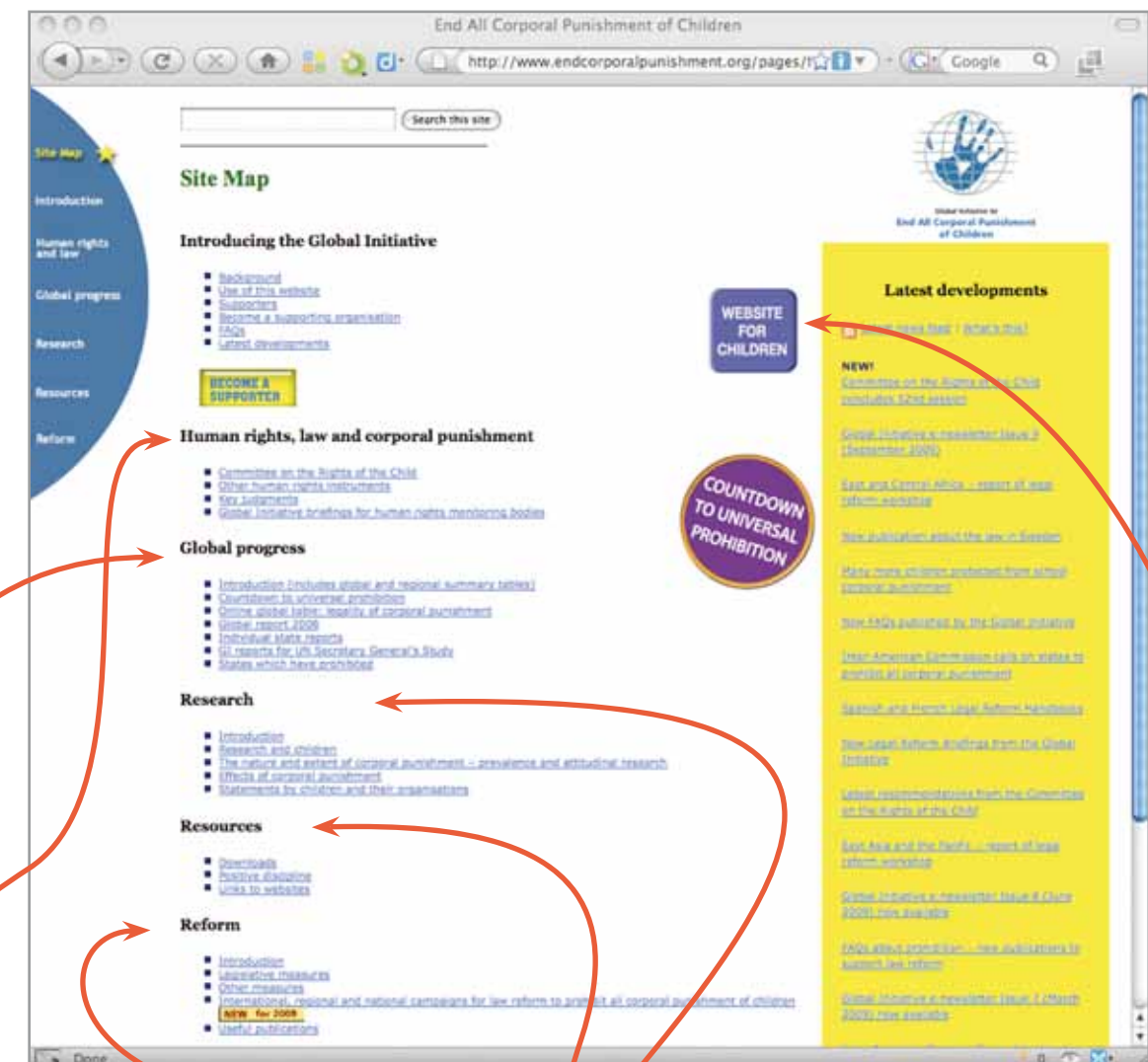
201 Ruled unconstitutional by Supreme Court in 1999, but as at May 2008 some legislation not amended

202 See previous note; prohibited in draft Constitution, as at October 2009 not in force

203 Prohibited in institutions and possibly other care settings in draft Constitution, as at October 2009 not in force

Global Initiative website: www.endcorporalpunishment.org

Detailed information on all aspects of prohibiting corporal punishment is available on the Global Initiative website:



Human rights, law and corporal punishment

including the work of the Committee on the Rights of the Child and other human rights treaty monitoring bodies, and information on national high-level court judgments

Global progress

including regional and global reports and individual reports on each state and territory, on the legality of corporal punishment in the home, schools, penal systems and alternative care settings; information on each state which has achieved full prohibition

Research

prevalence research, research into children's own views and experiences, and research into the effects of corporal punishment

Resources

a range of internet and other resources to support the promotion of positive, non-violent relationships with children, for teachers, parents and other carers; information on campaigns against corporal punishment worldwide, and downloads of GI reports

Reform

additional resources relating to prohibition to supplement the legal reform handbook

Website for children – new 2009

Hitting people is wrong – and children are people too. Corporal punishment of children breaches their fundamental rights to respect for their human dignity and physical integrity. Its legality breaches their right to equal protection under the law. Urgent action is

needed in every region of the world to respect fully the rights of all children – the smallest and most fragile of people.

This fourth Global Report reviews progress towards prohibition of corporal punishment and deliberate humiliation of children throughout the world, in the context of the follow-up to the UN Secretary General's Study on Violence against Children.



Action on Violence Against Children, Kabul, Afghanistan, October 2008

For information about the UN Secretary General's Study on Violence against Children, see www.violencestudy.org

The Global Initiative was launched in Geneva in 2001. It aims to act as a catalyst to encourage more action and progress towards ending all corporal punishment in all continents; to encourage governments and other organisations to “own” the issue and work actively on it; and to support national campaigns with relevant information and assistance. The context for all its work is implementation of the Convention on the Rights of the Child. Its aims are supported by UNICEF, UNESCO, human rights institutions, and international and national NGOs.



Global Initiative to End All Corporal Punishment of Children:
www.endcorporalpunishment.org
email: info@endcorporalpunishment.org



Save the Children
Sweden

Save the Children Sweden has made a significant contribution to the UN Study on Violence against Children, including advocating the prohibition of corporal punishment in all settings, including the home, and has supported children and young people to consolidate and advocate this key message. The work has raised Save the Children's profile as a key agency addressing violence against children worldwide. In 1979 Save the Children Sweden contributed to Sweden becoming the first country to explicitly ban corporal punishment. It is currently working to highlight the issue in many other countries and cooperating with organisations to put the issue of corporal punishment on the political agenda around the world.

Save the Children Sweden:
www.savethechildren.se email: info@rb.se