



Global Initiative to
**End All Corporal Punishment
of Children**

Global progress towards prohibiting all corporal punishment

**Prepared by the Global Initiative to End All Corporal Punishment of Children
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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.

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	NO	YES	YES	NO ²	NO
Albania	NO	YES	YES	YES ³	NO
Algeria	NO	YES	YES	[NO]	NO
Andorra	NO	YES ⁴	YES	YES	NO
Angola	NO	YES	YES ⁵	NO	NO
Antigua & Barbuda	NO	NO	NO ⁶	NO	NO
Argentina	NO	NO	YES	NO ⁷	NO
Armenia	NO	YES	YES	YES	NO
Australia	NO ⁸	SOME ⁹	YES	SOME ¹⁰	SOME ¹¹
Austria	YES¹²	YES	YES	YES	YES
Azerbaijan	NO	YES	YES	YES	NO
Bahamas	NO	NO	[YES]	[YES]	NO
Bahrain	NO	YES	YES	???	NO
Bangladesh ¹³	NO	NO ¹⁴	NO	NO	NO
Barbados	NO	NO	NO	NO	[SOME ¹⁵]
Belarus	NO	YES ¹⁶	YES	YES ¹⁷	SOME ¹⁸
Belgium	NO	YES ¹⁹	YES	YES	SOME ²⁰
Belize	NO	NO ²¹	YES	SOME ²²	SOME ²³
Benin	NO	NO ²⁴	YES	[YES]	NO
Bhutan ²⁵	NO	NO ²⁶	YES	NO	NO
Bolivia	NO ²⁷	NO ²⁸	SOME ²⁹	NO ³⁰	NO ³¹

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 Children's Rehabilitation Centre policy states that corporal punishment should not be used, but no prohibition in law; as at September 2005 Regulations for the Children's Rehabilitation Centre under discussion

³ But no explicit prohibition

⁴ No explicit prohibition, but education law and regulations recognise dignity of the child

⁵ Prohibited for persons under 16 years; prohibition for 16 and 17 year olds unconfirmed

⁶ But provisions allowing whipping of a child in the Magistrate Code of Procedure were repealed in 2004

⁷ Draft juvenile justice bill (Bill 6789-D-05) which would prohibit corporal punishment under discussion (2007)

⁸ In 2003, Law Reform Institute in Tasmania recommended abolition of reasonable correction defence from criminal and civil law but 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

⁹ 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

¹⁰ Prohibited in all states and territories except Australian Capital Territory and Western Australia

¹¹ 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

¹² Prohibited in 1989 by section 146a of General Civil Code

¹³ 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

¹⁴ Ministerial directives advise against use, but no prohibition in law

¹⁵ 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

¹⁶ But no explicit prohibition

¹⁷ But no explicit prohibition

¹⁸ Considered unlawful in boarding institutions, but there is no explicit prohibition; not prohibited in foster care

¹⁹ But no explicit prohibition

²⁰ Prohibited in institutions and foster care by decrees in some communities; not prohibited in non-institutional childcare

²¹ Draft Education Rules which would prohibit in state schools under discussion (October 2009)

²² Prohibited in "Youth Hostel" detention centre but lawful in prisons and by law enforcement officials

²³ Prohibited in residential care facilities and in day care centres

²⁴ Government circular advises against the use of corporal punishment in formal education, but no prohibition in law

²⁵ 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

²⁶ Code of Conduct and ministerial directive state that corporal punishment should not be used but no prohibition in law

²⁷ Legislation prohibits only corporal punishment which is considered harmful

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Bosnia & Herzegovina	NO	YES ³²	YES	YES	NO
Botswana	NO	NO	NO ³³	NO	NO
Brazil ³⁴	NO	NO	YES	NO	NO
Brunei Darussalam	NO	NO	NO	NO	NO
Bulgaria	YES³⁵	YES	YES	YES	YES
Burkina Faso	NO	YES	YES	YES ³⁶	SOME ³⁷
Burundi	NO	NO	YES	NO	NO
Cambodia	NO	YES	YES	YES	NO ³⁸
Cameroon	NO	YES	YES	[YES]	NO
Canada ³⁹	NO	YES ⁴⁰	YES	YES	SOME ⁴¹
Cape Verde	NO	NO ⁴²	YES	NO	[YES]
Central African Rep.	NO	NO	???	???	NO
Chad	NO	YES	YES	NO	NO
Chile	NO	NO ⁴³	YES	YES	NO
China	NO ⁴⁴	YES	YES	YES	NO
Colombia	NO	NO ⁴⁵	SOME ⁴⁶	NO ⁴⁷	NO
Comoros	NO	NO	[YES] ⁴⁸	NO	NO
Congo, Republic of	NO	[YES]	YES	NO	NO
Cook Islands	NO	NO ⁴⁹	YES	NO	NO
Costa Rica	YES⁵⁰	YES	YES	YES	YES
Cote d'Ivoire	NO	NO ⁵¹	YES	YES ⁵²	NO
Croatia	YES⁵³	YES	YES	YES	YES

²⁸ See previous note

²⁹ Prohibited in state laws, but lawful in indigenous and tribal justice systems

³⁰ See note 27

³¹ See note 27

³² No explicit prohibition, but unlawful under child protection laws

³³ Children's Bill (2008) would make judicial corporal punishment of children unlawful but this would not apply to customary courts

³⁴ Draft legislation which would have prohibited in all settings was dropped in 2008; a major new campaign is to be launched in December 2009

³⁵ Prohibited in 2000 Child Protection Act (amended 2003) and 2003 Regulation on the Implementation of the Child Protection Act

³⁶ But possibly no explicit prohibition

³⁷ Prohibited in institutions; not prohibited in foster care

³⁸ Minimum standards state that corporal punishment should not be used, but no prohibition in legislation

³⁹ 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; 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; Senate Standing Committee on Human Rights recommended repeal of the defence by 2009

⁴⁰ 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; Alberta Minister for Education has stated prohibition will be considered when Education Act is reviewed

⁴¹ Prohibited in state provided care in Alberta, British Columbia 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

⁴² Ministry of Education guidelines advise against the use of corporal punishment, but no prohibition in law

⁴³ Legislation prohibits only corporal punishment resulting in injury

⁴⁴ But corporal punishment of the female child is prohibited in the Shenzhen Special Economic Zone

⁴⁵ Legislation prohibits only corporal punishment resulting in injury

⁴⁶ Prohibited in laws of the Republic, but under Constitutional case law permitted among indigenous Indian communities

⁴⁷ See note 45

⁴⁸ Possibly lawful under Shari'a law and in traditional justice systems

⁴⁹ Education bill 2009 would prohibit

⁵⁰ Prohibited in 2008 amendments to the Code on Children and Adolescents and the Family Code

⁵¹ Ministerial circular states that corporal punishment should not be used, but no prohibition in law

⁵² But no explicit 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	
Cuba	NO	NO	YES	NO	NO
Cyprus	YES ⁵⁴	YES	YES	YES	YES
Czech Republic ⁵⁵	NO	NO	YES	YES ⁵⁶	NO
Denmark	YES ⁵⁷	YES	YES	YES	YES
Djibouti	NO	[YES]	[YES]	NO	NO
Dominica	NO	NO	NO	NO	NO
Dominican Republic	NO	YES	YES	[YES]	NO
DPR Korea	NO	NO ⁵⁸	YES ⁵⁹	[YES]	NO
DR Congo	NO	YES	YES	NO	NO
Ecuador	NO	YES	SOME ⁶⁰	YES	SOME ⁶¹
Egypt	NO	YES	YES	YES ⁶²	NO
El Salvador	NO	YES	YES	YES	NO
Equatorial Guinea	NO	NO	???	???	NO
Eritrea	NO	NO ⁶³	NO ⁶⁴	???	NO
Estonia ⁶⁵	NO	YES ⁶⁶	YES	YES ⁶⁷	NO
Ethiopia	NO	YES	YES	YES	SOME ⁶⁸
Fiji	NO ⁶⁹	YES ⁷⁰	YES ⁷¹	YES	NO
Finland	YES ⁷²	YES	YES	YES	YES
France	NO	NO ⁷³	YES	YES ⁷⁴	NO
Gabon	NO	YES	???	???	NO
Gambia	NO	NO	YES	NO	NO
Georgia	NO ⁷⁵	YES ⁷⁶	YES	YES	SOME ⁷⁷
Germany	YES ⁷⁸	YES	YES	YES	YES

⁵³ Prohibited explicitly in 1998 Family Act, replaced by 2003 Family Act

⁵⁴ Prohibited in 1994 Violence in the Family (Prevention and Protection of Victims) Law, reiterated in 2000 Act on Violence in the Family; response to governmental questionnaire in UN Secretary General's Study on Violence against Children (August 2005) stated Children Law provides for "right to administer punishment", but this provision expected to be removed following review

⁵⁵ Government committed to prohibition; as at March 2008, prohibition due to be considered by the Government Council for Human Rights

⁵⁶ But no explicit prohibition

⁵⁷ Prohibited in 1997 amendment to 1995 Parental Custody and Care Act

⁵⁸ Policy states that corporal punishment should not be used, but no prohibition in law; possibly prohibited in the Education Law (2005)

⁵⁹ But corporal punishment is possibly an element of "public education" sanctions

⁶⁰ Prohibited in state law but permitted under traditional law in indigenous communities; draft law for indigenous justice under discussion (2005)

⁶¹ Prohibited in institutions but lawful in other childcare settings

⁶² But possibly permitted in social welfare institutions

⁶³ Policy states that corporal punishment should not be used, but no prohibition in law

⁶⁴ Lawful under Transitional Penal Code but prohibited in Draft Penal Code

⁶⁵ Government committed to prohibition and draft legislation which would prohibit in all settings is due to be submitted to parliament during 2009

⁶⁶ But no explicit prohibition

⁶⁷ But no explicit prohibition

⁶⁸ Prohibited in institutions by Constitution, but "reasonable chastisement" defence available

⁶⁹ In 2006, the prime minister and other high level offices called for prohibition, but as at October 2009 legal reform had not progressed

⁷⁰ Ruled unconstitutional in 2002 High Court ruling, but as at October 2009 legislation not amended

⁷¹ See previous note

⁷² Prohibited in 1983 Child Custody and Right of Access Act

⁷³ 1889 High Court ruling allowed "right to correction" for teachers; 2000 ruling stated that habitual and non-educational corporal punishment not covered by this

⁷⁴ But no explicit prohibition

⁷⁵ 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

⁷⁶ But no explicit prohibition

⁷⁷ Prohibited in institutional care establishments

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Ghana	NO	NO ⁷⁹	YES	NO	NO
Greece	YES ⁸⁰	YES	YES	YES	YES
Grenada	NO	NO	NO	NO	SOME ⁸¹
Guatemala	NO	NO	SOME ⁸²	[YES]	NO
Guinea	NO	YES	[NO]	???	NO
Guinea-Bissau	NO	YES	YES	[YES]	???
Guyana	NO	NO	NO	NO	NO
Haiti	NO ⁸³	YES	YES	YES	YES
Honduras	NO	YES	YES	[YES]	NO
Hungary	YES ⁸⁴	YES	YES	YES	YES
Iceland	YES ⁸⁵	YES	YES	YES	YES
India ⁸⁶	NO	YES	SOME ⁸⁷	SOME ⁸⁸	NO
Indonesia	NO	NO	SOME ⁸⁹	NO	NO
Iran, Islamic Rep. of	NO	YES	NO	NO	NO
Iraq	NO	YES	YES	SOME ⁹⁰	NO
Ireland ⁹¹	NO	YES	YES	YES	SOME ⁹²
Israel	YES ⁹³	YES	YES	YES	YES
Italy	NO ⁹⁴	YES	YES	YES	YES
Jamaica	NO	SOME ⁹⁵	YES	YES	YES
Japan	NO ⁹⁶	YES ⁹⁷	YES	YES ⁹⁸	NO
Jordan	NO ⁹⁹	YES	YES	YES	[YES]
Kazakhstan	NO	SOME ¹⁰⁰	YES	YES	SOME ¹⁰¹
Kenya	NO ¹⁰²	YES	YES	YES ¹⁰³	NO ¹⁰⁴

⁷⁸ Prohibited in 2000 amendment to Civil Code

⁷⁹ Ministerial directive advises against the use of corporal punishment (information unconfirmed), but no prohibition in law

⁸⁰ Prohibited in 2006 Law 3500/2006 on the Combating of Intra-family Violence

⁸¹ Prohibited in child care homes by licensing requirements

⁸² Unlawful in state laws but permitted in traditional justice systems

⁸³ Possibly prohibited by 2001 law, but no unequivocal confirmation

⁸⁴ Prohibited in 2004 amendment to Hungarian Child Protection Act

⁸⁵ Prohibited in 2003 Children's Act

⁸⁶ 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

⁸⁷ Prohibited in state laws, but used in traditional justice systems

⁸⁸ Prohibited under the Juvenile Justice (Care and Protection of Children) Rules (2007), but these do not apply in Jammu and Kashmir

⁸⁹ Prohibited in Criminal Code but permitted under Shari'a law in Aceh province and in regional regulations based on Islamic Law in other areas

⁹⁰ Prohibited in prisons and detention centres, but possibly lawful in other institutions accommodating children in conflict with the law

⁹¹ Government has stated long-term commitment to prohibition but given no indication of timing

⁹² 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 there is no prohibition in legislation

⁹³ 2000 Supreme Court ruled against all violence in childrearing; "reasonable chastisement" defence removed from legislation in same year

⁹⁴ 1996 Supreme Court ruling prohibited all violence in childrearing, but as at May 2009 not confirmed in legislation

⁹⁵ Prohibited in schools for children up to the age of 6 years; legislation to prohibit in all schools is being drafted (February 2009)

⁹⁶ But prohibited in Kawasaki City by local ordinance

⁹⁷ Prohibited in 1947 School Education Law but 1981 Tokyo High Court judgment stated that some physical punishment may be lawful in some circumstances

⁹⁸ But no explicit prohibition

⁹⁹ In September 2006, government stated corporal punishment by parents prohibited in new legislation, but no explicit prohibition and Penal Code allows for parental discipline within limits established by "general custom" (article 62)

¹⁰⁰ Prohibited in regular schools but not in military schools

¹⁰¹ Prohibited in children's villages, youth homes and other institutions, but no prohibition in foster care or kinship care

¹⁰² Draft legislation removing the right "to administer reasonable punishment" has been submitted to the Attorney General (April 2009)

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Kiribati	NO	YES ¹⁰⁵	NO ¹⁰⁶	NO	NO
Kuwait	NO	YES	YES ¹⁰⁷	NO	???
Kyrgyzstan	NO	YES	YES	YES	SOME ¹⁰⁸
Lao PDR	NO	YES	YES	YES ¹⁰⁹	NO
Latvia	YES¹¹⁰	YES	YES	YES	YES
Lebanon	NO	NO ¹¹¹	YES	YES	NO
Lesotho	NO	NO ¹¹²	NO ¹¹³	NO	NO
Liberia	NO	NO	YES	NO	NO
Libyan Arab Jamahiriya	NO	YES	NO	???	???
Liechtenstein	NO	YES	YES	YES	SOME ¹¹⁴
Lithuania ¹¹⁵	NO	YES ¹¹⁶	YES	YES ¹¹⁷	NO
Luxembourg	YES¹¹⁸	YES	YES	YES	YES
Madagascar	NO	NO	YES	NO	NO
Malawi	NO	YES ¹¹⁹	YES ¹²⁰	YES ¹²¹	SOME ¹²²
Malaysia	NO	NO	NO ¹²³	NO ¹²⁴	NO
Maldives ¹²⁵	NO ¹²⁶	NO ¹²⁷	NO ¹²⁸	NO ¹²⁹	NO ¹³⁰
Mali	NO ¹³¹	YES	YES	YES ¹³²	NO
Malta	NO	YES ¹³³	YES	YES	NO
Marshall Islands	NO	YES	YES	YES	NO
Mauritania	NO	NO ¹³⁴	NO	NO	NO

¹⁰³ But some legislation still to be repealed (May 2009); see also previous note

¹⁰⁴ Prohibited in draft Constitution (May 2009); see also note 102

¹⁰⁵ Statutory provisions allowing for corporal punishment repealed but no explicit prohibition in legislation

¹⁰⁶ Government committed to prohibition (2006)

¹⁰⁷ But reintroduction possibly proposed

¹⁰⁸ Prohibited in residential institutions

¹⁰⁹ But no explicit prohibition

¹¹⁰ Prohibited in 1998 Children's Rights Protection Law

¹¹¹ Government committed to law reform (2006)

¹¹² Prohibited in Education Bill (2009)

¹¹³ Prohibited in the Child Protection and Welfare Bill, under discussion July 2008

¹¹⁴ Prohibited in state alternative care settings but not in privately run alternative care settings

¹¹⁵ 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)

¹¹⁶ But no explicit prohibition

¹¹⁷ But no explicit prohibition

¹¹⁸ Prohibited in 2008 Law on Children and the Family

¹¹⁹ Considered unlawful under the Constitution, but no explicit prohibition; Government has recommended explicit prohibition in revised Education Act

¹²⁰ Prohibited in Constitution, but permitted in other legislation; as at January 2009, the Penal Code Amendment Bill and the Child (Care, Protection and Justice) Bill, which would prohibit corporal punishment, under discussion

¹²¹ See previous note

¹²² Considered unlawful in state institutions under the Constitution but no explicit prohibition

¹²³ Government committed to prohibition (2007)

¹²⁴ See previous note

¹²⁵ 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, but Government has also stated commitment to retaining corporal punishment under Islamic law (2006)

¹²⁶ Draft Penal Code introduces justification of the use of force by parents, teachers and others for purposes of prevention and punishment of misconduct

¹²⁷ Ministry of Education advises against the use of corporal punishment but there is no explicit prohibition in legislation and draft Penal Code would introduce a justification for the use of corporal punishment by teachers (see previous note)

¹²⁸ Draft Penal Code authorises judicial corporal punishment

¹²⁹ See note 126

¹³⁰ See note 126

¹³¹ Draft Family Code (2009) removes the right of correction but does not explicitly prohibit corporal punishment

¹³² But no explicit prohibition

¹³³ But no explicit 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	
Mauritius	NO	YES	YES	NO	NO
Mexico	NO ¹³⁵	NO	YES	NO	NO
Micronesia, Fed. States	NO	[YES]	YES	NO	NO
Monaco	NO	YES ¹³⁶	YES	YES ¹³⁷	NO
Mongolia	NO ¹³⁸	YES	YES	NO	NO ¹³⁹
Montenegro	NO	YES	YES	YES	NO
Morocco	NO	NO ¹⁴⁰	YES	YES	NO ¹⁴¹
Mozambique	NO	NO ¹⁴²	YES	YES	NO
Myanmar	NO	NO ¹⁴³	YES ¹⁴⁴	NO	NO
Namibia	NO	YES	YES	YES ¹⁴⁵	SOME ¹⁴⁶
Nauru	NO	[NO]	[YES]	NO	NO
Nepal ¹⁴⁷	NO ¹⁴⁸	NO ¹⁴⁹	SOME ¹⁵⁰	NO ¹⁵¹	NO ¹⁵²
Netherlands	YES¹⁵³	YES	YES	YES	YES
New Zealand	YES¹⁵⁴	YES	YES	YES	YES
Nicaragua ¹⁵⁵	NO	YES	YES	YES	NO
Niger	NO	NO	YES	NO	NO
Nigeria	NO	NO	SOME ¹⁵⁶	[NO]	NO
Niue	NO	NO	YES	???	[NO]
Norway	YES¹⁵⁷	YES	YES	YES	YES
Oman	NO	YES	???	NO	NO
Pakistan ¹⁵⁸	NO	SOME ¹⁵⁹	SOME ¹⁶⁰	NO ¹⁶¹	NO

¹³⁴ Ministerial Order states that corporal punishment should not be used, but no prohibition in legislation

¹³⁵ But “right of correction” removed from the Civil Code of the Federal Territory

¹³⁶ But no explicit prohibition

¹³⁷ But no explicit prohibition

¹³⁸ Legislation to prohibit corporal punishment in the family and alternative care settings has been drafted and presented to government (2009)

¹³⁹ See previous note

¹⁴⁰ Ministerial direction advises against the use of corporal punishment, but no prohibition in law

¹⁴¹ No prohibition in foster care; possibly no prohibition in other alternative care settings

¹⁴² Government directive advises against the use of corporal punishment, but no prohibition in law

¹⁴³ Government directive advises against the use of corporal punishment, but no prohibition in law

¹⁴⁴ But some legislation not amended/repealed

¹⁴⁵ Declared unconstitutional in 1991 Supreme Court ruling; as at October 2009 not confirmed in legislation but legislation under discussion

¹⁴⁶ Unlawful in state institutions under 1991 Supreme Court ruling; as at August 2009 not confirmed in legislation but legislation under discussion; not prohibited in privately administered settings

¹⁴⁷ 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. As at May 2008, draft legislation which would prohibit in all settings under discussion

¹⁴⁸ 2005 Supreme Court ruling removed legal defence available to parents, guardians and teachers

¹⁴⁹ Draft legislation would prohibit (May 2008). See also previous note

¹⁵⁰ Prohibited in state laws, but permitted in Maoist courts

¹⁵¹ See note 148

¹⁵² See note 148

¹⁵³ Prohibited in 2007 amendment to the Civil Code

¹⁵⁴ Prohibited in 2007 Crimes (Substituted Section 59) Amendment Act

¹⁵⁵ As at October 2009, proposals had been submitted to prohibit all corporal punishment in the draft Family Code

¹⁵⁶ 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

¹⁵⁷ Prohibited in 1987 amendment to 1981 Parent and Child Act; but Supreme Court decision 30 November 2005 interprets Penal Code as allowing “lighter smacks”; government is reviewing this provision proposals to clarify the prohibition under discussion (January 2009)

¹⁵⁸ 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; as at October 2009, draft legislation which would prohibit under discussion

¹⁵⁹ Directives in North West Frontier, Punjab and Sindh Provinces state that corporal punishment should not be used, but no prohibition in law

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Palau	NO	NO	YES	NO	NO
Palestine	NO	SOME ¹⁶²	NO	NO	NO
Panama	NO ¹⁶³	NO ¹⁶⁴	YES	YES	NO ¹⁶⁵
Papua New Guinea	NO	NO ¹⁶⁶	YES	YES	SOME ¹⁶⁷
Paraguay	NO	NO ¹⁶⁸	YES	YES	NO
Peru ¹⁶⁹	NO	NO ¹⁷⁰	YES	NO	NO
Philippines ¹⁷¹	NO	YES	YES	YES	SOME ¹⁷²
Poland ¹⁷³	NO ¹⁷⁴	YES	YES	YES	YES ¹⁷⁵
Portugal	YES¹⁷⁶	YES	YES	YES	YES
Qatar	NO	NO ¹⁷⁷	NO	NO	NO
Republic of Korea	NO	NO ¹⁷⁸	YES	YES	[SOME] ¹⁷⁹
Republic of Moldova	YES¹⁸⁰	YES	YES	YES	YES
Romania	YES¹⁸¹	YES	YES	YES	YES
Russian Federation	NO	YES	YES	YES	NO
Rwanda	NO	NO ¹⁸²	YES	NO	NO
Saint Kitts & Nevis	NO	NO	NO	NO	NO
Saint Lucia	NO	NO	YES	NO	NO
Saint Vincent & Grenadines	NO	NO	NO	NO	NO
Samoa	NO	NO ¹⁸³	YES	[NO]	NO
San Marino	NO ¹⁸⁴	YES	YES	YES	NO
Sao Tome & Principe	NO	[YES]	SOME ¹⁸⁵	???	NO
Saudi Arabia	NO	NO ¹⁸⁶	NO	NO	NO
Senegal	NO	YES	YES	YES ¹⁸⁷	NO
Serbia ¹⁸⁸	NO	YES	YES	YES	NO

¹⁶⁰ Prohibited in 2000 Juvenile Justice System Ordinance but as at October 2009 this not implemented in all areas

¹⁶¹ See previous note

¹⁶² Prohibited in UNRWA schools; in public schools, Ministerial direction advises against the use of corporal punishment, but no prohibition in law

¹⁶³ Legislation prohibits only corporal punishment which results in injury

¹⁶⁴ See previous note

¹⁶⁵ See note 163

¹⁶⁶ Government directive advises against the use of corporal punishment, but no prohibition in law

¹⁶⁷ 2007 Lukautim Pikinini (Child Welfare) Act prohibits corporal punishment of children “in the care of the Director”, but whether this covers all possible alternative care settings unconfirmed

¹⁶⁸ Legislation protects dignity but does not explicitly prohibit corporal punishment

¹⁶⁹ Congress has pledged all party support for prohibition (December 2007), and legislation which would prohibit in all settings under discussion (2009)

¹⁷⁰ Decree states that corporal punishment should not be used but no explicit prohibition in legislation

¹⁷¹ Anti-Corporal Punishment Bill which would prohibit in all settings is under discussion (October 2009)

¹⁷² Prohibited in residential institutions and day care centres

¹⁷³ Commitment confirmed to Council of Europe Commissioner for Human Rights (June 2008); government has proposed draft legislation which was expected to be discussed by the Cabinet in January 2009

¹⁷⁴ Prohibited in 1997 Constitution, but not confirmed in law

¹⁷⁵ Prohibition in private institutions unconfirmed

¹⁷⁶ Prohibited in 2007 amendment to Penal Code

¹⁷⁷ Ministerial Decree states that corporal punishment should not be used, but no explicit prohibition in legislation

¹⁷⁸ Prohibited in draft legislation (March 2009)

¹⁷⁹ Possibly prohibited in child care institutions

¹⁸⁰ Prohibited in 2008 amendments to the Family Code

¹⁸¹ Prohibited in 2004 Law on Protection and Promotion of the Rights of the Child

¹⁸² Legislation in preparation (2005)

¹⁸³ Policy states that corporal punishment should not be used, but no prohibition in law; possibly prohibited in the Education Bill (2006), as at March 2009 not in force

¹⁸⁴ Government has stated Penal Code provision for “abuse of the powers of correction or discipline” (article 234) effectively prohibits corporal punishment, but no explicit prohibition in law

¹⁸⁵ Prohibited for persons under the age of 17 years, but possibly lawful for those aged 17 years

¹⁸⁶ Ministerial circulars advise against the use of corporal punishment, but no prohibition in law

¹⁸⁷ But no explicit 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	
Seychelles	NO	NO ¹⁸⁹	YES	[YES]	[YES]
Sierra Leone	NO ¹⁹⁰	NO ¹⁹¹	YES	NO	NO
Singapore	NO	NO	NO	NO	SOME ¹⁹²
Slovakia ¹⁹³	NO	YES ¹⁹⁴	YES	YES	YES
Slovenia ¹⁹⁵	NO	YES	YES	YES	SOME ¹⁹⁶
Solomon Islands	NO	NO	YES	YES	NO
Somalia	NO	NO	NO ¹⁹⁷	NO	NO
South Africa ¹⁹⁸	NO	YES	YES	[NO] ¹⁹⁹	NO ²⁰⁰
Spain	YES²⁰¹	YES	YES	YES	YES
Sri Lanka ²⁰²	NO	NO ²⁰³	YES	SOME ²⁰⁴	NO
Sudan (Northern)	NO	NO ²⁰⁵	NO ²⁰⁶	NO	NO
(Southern)	YES²⁰⁷	YES	YES	YES	YES
Suriname	NO	[YES]	YES	YES	NO
Swaziland	NO	NO ²⁰⁸	NO ²⁰⁹	NO ²¹⁰	NO ²¹¹
Sweden	YES²¹²	YES	YES	YES	YES
Switzerland	NO ²¹³	YES ²¹⁴	YES	YES	YES
Syrian Arab Republic	NO	NO ²¹⁵	YES	???	NO
Taiwan ²¹⁶	NO	YES	YES	YES	NO ²¹⁷

¹⁸⁸ Government has stated commitment to prohibition (December 2007)

¹⁸⁹ Policy states that corporal punishment should not be used, but no prohibition in law

¹⁹⁰ Sierra Leone Truth and Reconciliation Commission recommended prohibition in the home and schools (2004), but 2007 Child Rights Act reaffirms right to correct

¹⁹¹ See previous note

¹⁹² Prohibited in child care centres

¹⁹³ Government stated commitment to full prohibition in 2005, expected to be included in new Family Code for public debate January/February 2007

¹⁹⁴ But no explicit prohibition

¹⁹⁵ Government stated intention to explicitly prohibit in the home during 2004 drafting of domestic violence law; draft Family Bill which would prohibit in the home under discussion (2009)

¹⁹⁶ Prohibited in day care centres and residential schools

¹⁹⁷ Ordered by Islamic courts

¹⁹⁸ Efforts to prohibit corporal punishment by parents through the legislature failed in 2007; a national advocacy campaign continues to promote law reform

¹⁹⁹ Corporal punishment was prohibited in industry and reform schools in regulations under the 1983 Child Care Act but these were possibly repealed when the 2005 Children's Act came into force; we have been unable to establish whether other legislation includes prohibition

²⁰⁰ Corporal punishment was prohibited in foster care and child care facilities in regulations under the 1983 Child Care Act but these were repealed when the 2005 Children's Act came into force; as at May 2009, minimum standards state that corporal punishment should not be used but there is no explicit prohibition in law

²⁰¹ Prohibited in 2007 amendment to Civil Code

²⁰² 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

²⁰³ Ministerial circular states that corporal punishment should not be used but no prohibition in law

²⁰⁴ Prohibited in prisons, but lawful in other penal institutions

²⁰⁵ Prohibited in draft Child Act under discussion (May 2009)

²⁰⁶ Possibly prohibited in draft Child Act under discussion (May 2009)

²⁰⁷ Prohibited in 2005 Interim Constitution and 2008 Child Act

²⁰⁸ Proposals have been made to prohibit in draft legislation (May 2008)

²⁰⁹ See previous note

²¹⁰ See note 208

²¹¹ See note 208

²¹² Prohibited in 1979 amendment to Parenthood and Guardianship Code

²¹³ 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

²¹⁴ Prohibited by federal law pursuant to cantonal legislation; 1991 Federal Court ruled it permissible in certain circumstances, but this considered impossible under current legislation

²¹⁵ Ministry of Education advises against its use but no explicit prohibition in law

²¹⁶ Government stated commitment to prohibition in August 2005

²¹⁷ But law prohibiting in schools possibly applies to day care centres and cram schools

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Tajikistan	NO	NO	YES	NO	NO
TFYR Macedonia	NO	YES	YES	YES	YES
Thailand	NO	YES	YES ²¹⁸	YES ²¹⁹	NO
Timor-Leste, DR	NO	NO ²²⁰	YES	YES	NO ²²¹
Togo	NO ²²²	YES	YES	YES	YES
Tonga	NO	YES	NO	NO	NO
Trinidad & Tobago	NO	NO ²²³	YES	NO ²²⁴	NO ²²⁵
Tunisia	NO	NO ²²⁶	YES	YES	NO
Turkey	NO	NO	YES	YES	NO
Turkmenistan	NO ²²⁷	YES	YES	YES	NO ²²⁸
Tuvalu	NO	NO	SOME ²²⁹	NO	NO
Uganda	NO ²³⁰	NO ²³¹	YES	YES	NO ²³²
UK	NO ²³³	YES	YES	YES ²³⁴	SOME ²³⁵
Ukraine	YES²³⁶	YES	YES	YES	YES
United Arab Emirates	NO	YES	NO	NO	NO
United Rep. of Tanzania	NO	NO ²³⁷	NO	NO	NO
Uruguay	YES²³⁸	YES	YES	YES	YES
USA	NO	SOME ²³⁹	YES	SOME ²⁴⁰	SOME ²⁴¹
Uzbekistan	NO	YES	[YES]	YES	NO
Vanuatu	NO	YES	SOME ²⁴²	YES ²⁴³	NO
Venezuela	YES²⁴⁴	YES	YES	YES	YES

²¹⁸ But some legislation not yet amended (May 2008)

²¹⁹ See previous note

²²⁰ Government committed to prohibition (2005)

²²¹ Policy advises against the use of corporal punishment in child care centres, orphanages and boarding houses, but no prohibition in law

²²² Possibly prohibited in Children's Code 2007

²²³ Prohibited by 2000 Children (Amendment) Act, as at August 2009 not in force; prohibited in 2009 Children Bill

²²⁴ Children Bill 2009 which would prohibit under discussion (August 2009)

²²⁵ Policy advises against the use of corporal punishment in health care and psychiatric institutions, but no prohibition in law

²²⁶ Ministerial circular states that corporal punishment should not be used, but no prohibition in law

²²⁷ 2002 Rights of the Child (Guarantees) Act prohibits corporal punishment considered to be harmful

²²⁸ See previous note

²²⁹ Unlawful under the Penal Code and the Code of Criminal Procedure, but Island Courts may order corporal punishment

²³⁰ Recommendations have been made to include prohibition in all settings in draft Child Law (May 2008)

²³¹ Ministerial circular advises against the use of corporal punishment in state schools, but no prohibition in law; possibly prohibited in Education Bill (May 2008); see previous note

²³² See note 230

²³³ 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

²³⁴ But no explicit prohibition in secure training centres

²³⁵ 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 the use of corporal punishment in day care institutions and childminding in Northern Ireland, but no prohibition in law; not prohibited in private foster care

²³⁶ Prohibited in 2003 Family Code

²³⁷ Ministerial policy in Zanzibar is against the use of corporal punishment but no prohibition in legislation

²³⁸ Prohibited in 2007 amendments to Civil Code and Children and Adolescents Code

²³⁹ Prohibited in public and private schools in Iowa and New Jersey, in public schools in a further 28 states and District of Columbia

²⁴⁰ Prohibited in 31 states

²⁴¹ Prohibited in all alternative care settings in 32 states and in some settings in other states and the District of Columbia

²⁴² Used in rural areas for punishment of young boys and girls found to have broken village or custom rules

²⁴³ But no explicit prohibition

²⁴⁴ Prohibited in 2007 amendment to Law for the Protection of Children and Adolescents

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Viet Nam	NO	NO	YES	YES	NO
Western Sahara	NO	[NO]	[YES]	[YES]	[NO]
Yemen	NO ²⁴⁵	YES	NO	NO	NO ²⁴⁶
Zambia	NO	YES ²⁴⁷	YES ²⁴⁸	YES ²⁴⁹	NO ²⁵⁰
Zimbabwe	NO	NO	NO	NO	NO

Totals					
	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Prohibited ²⁵¹	25	109	150	109	36
Not prohibited ²⁵²	172	88	43	78	158
Legality unknown	-	-	4	10	3

²⁴⁵ Proposals have been made to restrict, but not prohibit, corporal punishment (May 2008)

²⁴⁶ See previous note

²⁴⁷ But no explicit prohibition; prohibited in the draft Constitution (May 2008)

²⁴⁸ Ruled unconstitutional by Supreme Court in 1999, but as at May 2008 some legislation not amended

²⁴⁹ See previous note; prohibited in draft Constitution (May 2008)

²⁵⁰ Prohibited in institutions and possibly other care settings in draft Constitution (May 2008)

²⁵¹ Excluding Southern Sudan, which is not an independent state

²⁵² This includes SOME entries. A state is only counted as YES when the prohibition applies to all types of setting within each category, e.g. for schools including public, private, etc.