



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

Progress towards prohibiting all corporal punishment in North America

**Prepared by the Global Initiative to End All Corporal Punishment of Children
(www.endcorporalpunishment.org), July 2011**

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.

Corporal punishment in Canada

Note

Schools: In the following table, prohibition applies to state schools only. A 2004 Supreme Court ruling limited the use of force by teachers to restraint and removal and excluded corporal punishment, but this has not been confirmed in legislation relating to private schools, or to any schools in Alberta and Manitoba.

Province/ territory	Prohibited in the home	Prohibited in schools	Prohibited in the penal system		Prohibited in alternative care settings	
			As sentence for crime	As disciplinary measure	Child care	Foster care
Alberta	NO	YES ¹	YES	YES	YES	YES
British Columbia	NO	YES	YES	YES	YES	YES
Manitoba	NO	YES ²	YES	YES	YES	YES
New Brunswick	NO	YES	YES	YES	NO	NO
Newfoundland	NO	YES	YES	YES	YES	NO
Northwest Territories	NO	YES	YES	YES	YES	NO
Nova Scotia	NO	YES	YES	YES	YES	NO
Nunavit	NO	YES	YES	YES	YES	NO
Ontario	NO	YES	YES	YES	YES ³	YES ⁴
Prince Edward Island	NO	YES	YES	YES	YES	NO
Quebec	NO ⁵	YES	YES	YES	YES ⁶	YES ⁷
Saskatchewan	NO	YES	YES	YES	YES	NO
Yukon	NO	YES	YES	YES	YES	NO

¹ Prohibited by 2004 Supreme Court ruling, but not confirmed in legislation

² Prohibited by 2004 Supreme Court ruling, and policy in many school boards states that corporal punishment should not be used, but it is not prohibited in legislation

³ 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

⁴ See previous note

⁵ Reference to a “right of correction” was removed from the Civil Code in 1994, and a number of rulings have stated that the right of correction is no longer recognised in Quebec’s civil law but corporal punishment is lawful under section 43 of the federal Criminal Code which allows for the use of force “by way of correction”

⁶ As with parents, carers have no right of correction under the Civil Code but corporal punishment is lawful under section 43 of the federal Criminal Code which allows for the use of force “by way of correction”

⁷ See previous note

Corporal punishment in the US

Notes on schools:

(i) Unless noted otherwise, state level prohibitions apply only to public schools.

(ii) Unless noted otherwise, in states in which there is no state level prohibition of corporal punishment, such punishment is permitted unless banned by local boards. In most of these states, it is up to local boards and schools to establish policies regulating the use of 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	
Alabama	NO	NO	YES	NO ⁸	SOME ⁹
Alaska	NO	YES	YES	YES	YES
Arizona	NO	NO	YES	NO	YES
Arkansas	NO	NO	YES	NO	SOME ¹⁰
California	NO	YES	YES	YES	YES
Colorado	NO	NO	YES	YES	YES
Connecticut	NO	YES ¹¹	YES	NO ¹²	SOME ¹³
Delaware	NO	YES	YES	NO	SOME ¹⁴
District of Columbia	NO	YES	YES	NO ¹⁵	SOME ¹⁶
Florida	NO	NO	YES	YES	SOME ¹⁷
Georgia	NO	NO	YES	NO ¹⁸	YES
Hawaii	NO	YES	YES	YES ¹⁹	YES
Idaho	NO	NO	YES	YES	SOME ²⁰
Illinois	NO	YES	YES	YES	SOME ²¹
Indiana	NO	NO	YES	NO ²²	SOME ²³
Iowa	NO	YES ²⁴	YES	YES	YES
Kansas	NO	NO	YES	YES	YES
Kentucky	NO	NO	YES	YES	YES
Louisiana	NO	NO	YES	YES	SOME ²⁵

⁸ But policy states it should not be used

⁹ Prohibited in all settings, but preschool programmes operated by churches or religious non-profit schools exempt from licensing

¹⁰ Prohibited by licensing requirements in family day care and in day care centres, and in group homes/institutions and foster care homes licensed by the Arkansas Department of Human Services; not prohibited in private group homes/institutions licensed by the Arkansas Child Welfare Agency Review Board; child care facilities operated by churches possibly exempt from licensing requirements

¹¹ But no explicit prohibition

¹² Information unconfirmed

¹³ Prohibited in all settings, but some religious based arrangements exempt from child care licensing

¹⁴ Prohibited in family day care and in day care centres; in foster care, agency policy states corporal punishment should not be used but no prohibition in law (information unconfirmed)

¹⁵ Policy states corporal punishment should not be used but no prohibition in law

¹⁶ Prohibited in group homes/institutions and home foster care; in day care centres, policy states corporal punishment should not be used but no prohibition in law (information unconfirmed); not prohibited in family day care, but prohibition proposed

¹⁷ Prohibited in all settings, but child care facilities in church or parochial schools exempt from licensing regulations

¹⁸ Policy states corporal punishment should not be used but no prohibition in law

¹⁹ Prohibited in Administrative Rules 17-201-19 (2000), but this provision repealed and prohibition in current law unconfirmed

²⁰ Prohibited in group homes/institutions and home foster care; not prohibited in family day care and day care centres

²¹ Prohibited in all settings except church-sponsored part-day child care programmes for children over 3 years of age

²² Information unconfirmed

²³ Prohibited in day care centres and home foster care; not prohibited in group homes/institutions, but strongly discouraged through training and legal interpretation; prohibited in family day care by agency policy (information unconfirmed); possibly not prohibited in unlicensed child care programmes with religious affiliation

²⁴ Prohibited in public and private 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	
Maine	NO	YES ²⁶	YES	YES	YES
Maryland	NO	YES	YES	NO ²⁷	SOME ²⁸
Massachusetts	NO	YES	YES	NO ²⁹	SOME ³⁰
Michigan	NO	YES	YES	YES ³¹	YES
Minnesota	NO	YES	YES	YES ³²	YES
Mississippi	NO	NO	YES	NO	SOME ³³
Missouri	NO	NO	YES	YES	SOME ³⁴
Montana	NO	YES	YES	YES	SOME ³⁵
Nebraska	NO	YES	YES	YES	YES
Nevada	NO	YES	YES	YES	YES
New Hampshire	NO	YES ³⁶	YES	NO ³⁷	YES
New Jersey	NO	YES ³⁸	YES	YES	YES
New Mexico	NO	YES ³⁹	YES	YES	YES
New York	NO	YES	YES	YES ⁴⁰	YES
North Carolina	NO	NO	YES	YES	SOME ⁴¹
North Dakota	NO	YES	YES	NO ⁴²	YES
Ohio	NO	YES	YES	YES	YES
Oklahoma	NO	NO	YES	YES	YES
Oregon	NO	YES	YES	YES	YES
Pennsylvania	NO	YES	YES	YES	YES
Rhode Island	NO	YES	YES	???	YES
South Carolina	NO	NO	YES	NO ⁴³	SOME ⁴⁴
South Dakota	NO	YES ⁴⁵	YES	YES ⁴⁶	YES
Tennessee	NO	NO	YES	NO ⁴⁷	SOME ⁴⁸

²⁵ Prohibited in home foster care, Class A (federally funded) day care and residential centres and emergency shelters; not prohibited in family day care, Class B day care and residential centres

²⁶ But no explicit prohibition

²⁷ Policy states corporal punishment should not be used (information unconfirmed) but no prohibition in law

²⁸ Prohibited in all state-regulated child care facilities but possibly lawful in private facilities; nursery schools and child care centres operated by tax-exempt religious organisations exempt from licensing standards

²⁹ Information unconfirmed

³⁰ Prohibited in family day care, day care centres and group homes/institutions; discouraged in home foster care through training and legal interpretation but no prohibition in law

³¹ Information unconfirmed

³² Information unconfirmed

³³ Prohibited in family day care, day care centres, home foster care and licensed group homes/institutions; not prohibited in unlicensed group homes/institutions

³⁴ Prohibited in all settings, but child care facilities of religious organisations exempt from licensing

³⁵ Prohibited in family and group day care centres; in home foster care prohibited in agency policy and law states that foster parents may not use “unusual, severe, cruel, capricious, humiliating or unnecessary punishment” and foster parents must show evidence of being able to care “without recourse to physical punishment”

³⁶ But no explicit prohibition

³⁷ Information unconfirmed

³⁸ Prohibited in public and private schools

³⁹ Prohibition will take effect from 1 July 2011

⁴⁰ Information unconfirmed

⁴¹ Prohibited in family day care, group homes/institutions, home foster care and in licensed day care centres; permitted in religious-sponsored day care centres; religious child care facilities, including summer day camps, exempt from licensing

⁴² Law prohibits only “excessive corporal punishment”

⁴³ Information unconfirmed; law prohibits “excessive corporal punishment”

⁴⁴ Prohibited in home foster care and in group homes/institutions for children in state custody or placed by public agencies; permitted in family day care and in day care centres; bible schools and child care programmes of churches and other religious organisations not publicly funded exempt from prohibition in licensing requirements

⁴⁵ But no explicit prohibition

⁴⁶ Information unconfirmed

⁴⁷ Permitted in schools for children in detention run by the penal system but prohibited out of school hours

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Texas	NO	NO	YES	YES	YES
Utah	NO	YES	YES	YES	SOME ⁴⁹
Vermont	NO	YES	YES	???	YES
Virginia	NO	YES	YES	YES	SOME ⁵¹
Washington	NO	YES	YES	???	YES
West Virginia	NO	YES	YES	YES	YES
Wisconsin	NO	YES	YES	YES	YES
Wyoming	NO	NO	YES	NO	YES

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 July 2011

⁴⁸ Prohibited in family day care, day care centres, child welfare licensed group homes/institutions and foster care; permitted in Residential Child Care Agencies group homes/institutions (information unconfirmed); child care centres run by religious schools exempt

⁴⁹ Prohibited in all settings, but parochial institutions providing educational care exempt from licensing

⁵⁰ Prohibited by law for adult inmates, but possibly only discouraged by policy for juveniles

⁵¹ Prohibited in family day care, day care centres and home foster care; permitted by law in seven licensed group homes/institutions, though policy in all seven states corporal punishment should not be used

⁵² Prohibited by law for adult inmates, but possibly only discouraged by policy for juveniles

⁵³ Information unconfirmed; law prohibits “excessive or unreasonable” corporal punishment