



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), 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.

Corporal punishment in Canada

Note

Home: Bill S-209 which would repeal section 43 of the federal 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. A 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. The Senate Standing Committee on Human Rights recommended repeal of the defence by 2009

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

Note

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

Penal system: Corporal punishment as a sentence for crime has been ruled unconstitutional by the Supreme Court, and no federal or state laws permit its use as an element of criminal sentencing. We have identified 31 states which prohibit in law corporal punishment as a disciplinary measure in juvenile detention centres, together with some in which policy states that it should not be used (although it remains lawful). In others we have been unable to locate an explicit prohibition in state laws available on the world wide web, but have not had access to all subsidiary regulations or policies. The American Correctional Association's standards for juvenile detention facilities call for "written policy, procedure, and practice [that] protect juveniles from personal abuse, corporal punishment, personal injury, disease, property damage, and harassment". The comment to the standard notes: "In situations where physical force or disciplinary detention is required, only the least drastic means necessary to secure order or control should be used." The National Juvenile Detention Association has passed a resolution which "opposes any policy or related procedure which advocates, promotes, or authorizes the use of offensive physical intervention techniques that allows staff to hit, kick, or strike juveniles".

State	Prohibited in the home	Prohibited in schools	Prohibited in the 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 ¹⁰	SOME ¹¹
California	NO	YES	YES	YES	YES
Colorado	NO	NO	YES	YES	YES
Connecticut	NO	YES	YES	NO ¹²	SOME ¹³
Delaware	NO	YES	YES	NO	YES
District of Columbia	NO	YES	YES	NO ¹⁴	SOME ¹⁵
Florida	NO	NO	YES	YES	SOME ¹⁶
Georgia	NO	NO	YES	NO ¹⁷	YES
Hawaii	NO	YES	YES	YES ¹⁸	SOME ¹⁹
Idaho	NO	NO	YES	YES	SOME ²⁰

⁸ Policy states that corporal punishment should not be used, but it is not prohibited in law

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

¹⁰ Prohibited for adult prisoners but permitted for juveniles

¹¹ 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

¹² Information unconfirmed

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

¹⁴ Policy states that corporal punishment should not be used but it is not prohibited in law

¹⁵ Prohibited in group homes/institutions, home foster care, and child care centres; not prohibited in family child care, but as at October 2009 prohibition proposed

¹⁶ Prohibited in all settings, but child care facilities in church or parochial schools exempt from licensing regulations

¹⁷ Policy states that corporal punishment should not be used but it is not prohibited in law

¹⁸ Information unconfirmed

¹⁹ Prohibited in family child care, child care centres and home foster care; lawful in group homes/institutions

State	Prohibited in the home	Prohibited in schools	Prohibited in the penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
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
Maine	NO	YES	YES	YES	YES
Maryland	NO	YES	YES	NO	SOME ²⁶
Massachusetts	NO ²⁷	YES	YES	NO ²⁸	YES
Michigan	NO	YES	YES	YES	YES
Minnesota	NO ²⁹	YES	YES	YES	YES
Mississippi	NO	NO	YES	NO	SOME ³⁰
Missouri	NO	NO ³¹	YES	YES	SOME ³²
Montana	NO	YES	YES	YES	YES
Nebraska	NO	YES	YES	YES	YES
Nevada	NO	YES	YES	YES	YES
New Hampshire	NO	YES	YES	NO ³³	YES
New Jersey	NO	YES ³⁴	YES	YES	YES
New Mexico	NO	NO	YES	NO	YES
New York	NO	YES	YES	YES	YES
North Carolina	NO	NO ³⁵	YES	YES	SOME ³⁶
North Dakota	NO	YES	YES	NO ³⁷	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 ³⁸	SOME ³⁹

²⁰ Prohibited in group homes/institutions and home foster care; lawful 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; lawful in group homes/institutions and family child care

²⁴ Prohibited in public and private schools

²⁵ Prohibited in home foster care, Class A (federally funded) day care and residential centres and emergency shelters; lawful in family day care, Class B day care and residential centres

²⁶ 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

²⁷ House Bill 3922 (The Act of Prohibiting Corporal Punishment in Children), introduced to the legislature in November 2007, would prohibit all corporal punishment, but no further information

²⁸ Information unconfirmed

²⁹ Examination of several laws of Minnesota has led some legal experts to conclude that corporal punishment is not permitted, but according to the legislation, a parent/legal guardian/caretaker can use reasonable force to restrain or correct a child (Sec. 609.379.[Cr.]

³⁰ Prohibited in family day care, day care centres, home foster care and licensed group homes/institutions; lawful in unlicensed group homes/institutions

³¹ But prohibition proposed in House Bill 289 (2005)

³² Prohibited in all settings, but child care facilities of religious organisations exempt from licensing

³³ Information unconfirmed

³⁴ Prohibited in public and private schools

³⁵ Bill prohibiting corporal punishment in public schools was under discussion in May 2007 and was defeated

³⁶ Prohibited in family day care, group homes/institutions, home foster care and in licensed day care centres; lawful in religious-sponsored day care centres; religious child care facilities, including summer day camps, exempt from licensing

³⁷ But law prohibits "excessive corporal punishment"

³⁸ Information unconfirmed. Law prohibits "excessive corporal punishment"

³⁹ Prohibited in home foster care and group homes/institutions for children in state custody or placed by public agencies; lawful in family day care and child care centres; bible schools and child care programmes of churches and other religious organisations not publicly funded exempt from prohibition in licensing requirements

State	Prohibited in the home	Prohibited in schools	Prohibited in the penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
South Dakota	NO	YES	YES	YES ⁴⁰	SOME ⁴¹
Tennessee	NO	NO ⁴²	YES	NO ⁴³	SOME ⁴⁴
Texas	NO	NO	YES	YES	YES
Utah	NO	YES	YES	YES	SOME ⁴⁵
Vermont	NO	YES	YES	???	YES
Virginia	NO	YES	YES	YES	SOME ⁴⁷
Washington	NO	YES	YES	???	YES
West Virginia	NO	YES	YES	YES	YES
Wisconsin	NO	YES	YES	YES	YES
Wyoming	NO	NO	YES	NO ⁴⁹	YES

⁴⁰ Information unconfirmed

⁴¹ Prohibited in family child care, child care centers and home foster care; lawful in group homes/institutions

⁴² Corporal punishment is permitted under Tennessee Code Annotated 49-6-4103, which states: "Any teacher or school principal may use corporal punishment in a reasonable manner against any pupil for good cause in order to maintain discipline and order within the public schools." TCA 49-6-4103 Rules and Regulations states: "Each local board of education shall adopt such rules and regulations as it deems necessary to implement and control any form of corporal punishment in the schools in its district."

⁴³ Permitted in schools for children in detention run by the penal system but prohibited out of school hours

⁴⁴ Prohibited in family child care, child care centers and home foster care; prohibited in child welfare licensed group homes/institutions except in Residential Child Care Agencies group homes/institutions, but as at October 2009 proposed new standards would include prohibition; child care centers run by religious schools exempt

⁴⁵ Prohibited in all settings, but parochial institutions providing educational care exempt from licensing

⁴⁶ Prohibited by law for adult inmates, but possibly only by policy for juveniles

⁴⁷ Prohibited in family day care, day care centers and home foster care; lawful in group homes/institutions

⁴⁸ Prohibited by law for adult inmates, but possibly not for juveniles

⁴⁹ Information unconfirmed. Law prohibits "excessive or unreasonable" corporal punishment