



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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The following table summarises the legal status of corporal punishment of children – and progress towards achieving prohibition – in all states in all settings, the home, schools, penal systems (as a sentence for crime and as a disciplinary measure in penal institutions) and alternative care settings. Governments are increasingly enacting laws to prohibit this form of violence against children. As at September 2010, 29 states plus the interim government of Southern Sudan have achieved full prohibition, where all corporal punishment of children is unlawful, including by parents within the family home. In at least a further 23, governments have made a commitment to enacting full prohibition and/or draft legislation which would achieve full prohibition is under consideration in parliament.

With the exception of alternative care settings, which include those forms of care most closely linked with the legal duties and obligations of parents, the majority of states have prohibited corporal punishment of children outside the family home: 109 have prohibited it in schools, at least 152 have prohibited it as a sentence of the courts and 110 as a disciplinary measure in penal institutions.

But the following table also indicates the work still to be done to ensure children’s rights to equality under the law and to legal protection from all forms of corporal punishment are fully met. Prohibition is still to be achieved in the home in 168 states, in schools in 88 states, as a sentence of the courts in at least 42 states, as a disciplinary measure in penal institutions in at least 76 states, and in all alternative care settings in at least 156 states.

The Global Initiative offers technical support and advice on all aspects of law reform to achieve prohibition and publishes a number of useful resources free of charge – please see www.endcorporalpunishment.org or email info@endcorporalpunishment.org.

Summary of progress towards prohibition of all corporal punishment of children					
	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Prohibited¹	29	109	152	110	38
Not prohibited²	168	88	42	76	156
Legality unknown	-	-	3	11	3

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.

¹ Excluding Southern Sudan, which is not an independent state

² This includes states for which we have recorded “SOME” in the following table. 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.

States with full prohibition in legislation					
State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Austria	YES ³	YES	YES	YES	YES
Bulgaria	YES ⁴	YES	YES	YES	YES
Costa Rica	YES ⁵	YES	YES	YES	YES
Croatia	YES ⁶	YES	YES	YES	YES
Cyprus	YES ⁷	YES	YES	YES	YES
Denmark	YES ⁸	YES	YES	YES	YES
Finland	YES ⁹	YES	YES	YES	YES
Germany	YES ¹⁰	YES	YES	YES	YES
Greece	YES ¹¹	YES	YES	YES	YES
Hungary	YES ¹²	YES	YES	YES	YES
Iceland	YES ¹³	YES	YES	YES	YES
Israel	YES ¹⁴	YES	YES	YES	YES
Kenya	YES ¹⁵	YES ¹⁶	YES	YES ¹⁷	YES
Latvia	YES ¹⁸	YES	YES	YES	YES
Liechtenstein	YES ¹⁹	YES	YES	YES	YES
Luxembourg	YES ²⁰	YES	YES	YES	YES
Netherlands	YES ²¹	YES	YES	YES	YES
New Zealand	YES ²²	YES	YES	YES	YES
Norway	YES ²³	YES	YES	YES	YES
Poland	YES ²⁴	YES	YES	YES	YES
Portugal	YES ²⁵	YES	YES	YES	YES
Republic of Moldova	YES ²⁶	YES	YES	YES	YES
Romania	YES ²⁷	YES	YES	YES	YES

³ Prohibited in 1989 by section 146a of General Civil Code

⁴ Prohibited in 2000 Child Protection Act (amended 2003) and 2003 Regulation on the Implementation of the Child Protection Act

⁵ Prohibited in 2008 amendments to the Code on Children and Adolescents and the Family Code

⁶ Prohibited explicitly in 1998 Family Act, replaced by 2003 Family Act

⁷ 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

⁸ Prohibited in 1997 amendment to 1995 Parental Custody and Care Act

⁹ Prohibited in 1983 Child Custody and Right of Access Act

¹⁰ Prohibited in 2000 amendment to Civil Code

¹¹ Prohibited in 2006 Law 3500/2006 on the Combating of Intra-family Violence

¹² Prohibited in 2004 amendment to Hungarian Child Protection Act

¹³ Prohibited in 2003 Children's Act

¹⁴ 2000 Supreme Court ruled against all violence in childrearing; "reasonable chastisement" defence removed from legislation in same year

¹⁵ Prohibited in 2010 Constitution; some legislation still to be formally repealed

¹⁶ See previous note

¹⁷ See note 15

¹⁸ Prohibited in 1998 Children's Rights Protection Law

¹⁹ Prohibited in 2008 Children and Youth Act

²⁰ Prohibited in 2008 Law on Children and the Family

²¹ Prohibited in 2007 amendment to the Civil Code

²² Prohibited in 2007 Crimes (Substituted Section 59) Amendment Act

²³ ²³ Prohibited in 1987 amendment to 1981 Parent and Child Act; Supreme Court decision 30 November 2005 interpreted Penal Code as allowing "lighter smacks" but in April 2010 the law was amended to confirm prohibition of all corporal punishment

²⁴ Prohibited in 2010 amendment to the Family Code

²⁵ Prohibited in 2007 amendment to Penal Code

²⁶ Prohibited in 2008 amendments to the Family Code

²⁷ Prohibited in 2004 Law on Protection and Promotion of the Rights of the Child

States with full prohibition (ctd)					
State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Spain	YES ²⁸	YES	YES	YES	YES
Sweden	YES ²⁹	YES	YES	YES	YES
Tunisia	YES ³⁰	YES	YES	YES	YES
Ukraine	YES ³¹	YES	YES	YES	YES
Uruguay	YES ³²	YES	YES	YES	YES
Venezuela	YES ³³	YES	YES	YES	YES

Prohibition under autonomous government within state					
State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Sudan (Southern)	YES ³⁴	YES	YES	YES	YES

Prohibition by Supreme Court ruling					
State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Italy	NO ³⁵	YES	YES	YES	YES
Nepal ³⁶	NO ³⁷	NO ³⁸	SOME ³⁹	NO ⁴⁰	NO ⁴¹

States 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	
Afghanistan ⁴²	NO	YES	[YES] ⁴³	NO ⁴⁴	NO
Bangladesh ⁴⁵	NO	NO ⁴⁶	NO	NO	NO
Bhutan ⁴⁷	NO ⁴⁸	NO ⁴⁹	YES	NO ⁵⁰	NO ⁵¹

²⁸ Prohibited in 2007 amendment to Civil Code

²⁹ Prohibited in 1979 amendment to Parenthood and Guardianship Code

³⁰ Prohibited in 2010 amendment to the Penal Code

³¹ Prohibited in 2003 Family Code

³² Prohibited in 2007 amendments to Civil Code and Children and Adolescents Code

³³ Prohibited in 2007 amendment to Law for the Protection of Children and Adolescents

³⁴ Prohibited in 2005 Interim Constitution and 2008 Child Act

³⁵ 1996 Supreme Court ruling prohibited all violence in childrearing, but as at March 2010 not confirmed in legislation

³⁶ 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

³⁷ 2005 Supreme Court ruling removed legal defence available to parents, guardians and teachers; possibly prohibited in draft legislation under discussion in 2010

³⁸ See previous note

³⁹ Prohibited in state laws, but permitted in Maoist courts

⁴⁰ See note 37

⁴¹ See note 37

⁴² 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

⁴³ Possibly lawful for some crimes under Islamic law

⁴⁴ Possibly prohibited in the Law on Juvenile Rehabilitation Centers adopted in 2009

⁴⁵ 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

⁴⁶ The High Court ruled against corporal punishment in schools in 2010 (details to be confirmed) and ordered that circulars be issued to schools stating that corporal punishment should not be used, but prohibition has not been confirmed in legislation

⁴⁷ 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

⁴⁸ Draft Child Care and Protection Bill under discussion in 2010 would possibly prohibit

States committed to full prohibition (ctd)					
State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Brazil ⁵²	NO ⁵³	NO ⁵⁴	YES	NO ⁵⁵	NO ⁵⁶
Czech Republic ⁵⁷	NO	NO	YES	YES ⁵⁸	NO
Estonia ⁵⁹	NO	YES ⁶⁰	YES	YES ⁶¹	NO
Ireland ⁶²	NO	YES	YES	YES	SOME ⁶³
Lithuania ⁶⁴	NO	YES ⁶⁵	YES	YES ⁶⁶	NO
Maldives ⁶⁷	NO ⁶⁸	NO ⁶⁹	NO ⁷⁰	NO ⁷¹	NO ⁷²
Pakistan ⁷³	NO ⁷⁴	NO ⁷⁵	SOME ⁷⁶	NO	NO ⁷⁷
Peru ⁷⁸	NO	NO ⁷⁹	YES	NO	NO
Serbia ⁸⁰	NO	YES	YES	YES	NO
Slovakia ⁸¹	NO	YES ⁸²	YES	YES ⁸³	[YES]

⁴⁹ Code of Conduct and ministerial directive state that corporal punishment should not be used but no prohibition in law; prohibition under discussion (2010)

⁵⁰ See note 48

⁵¹ See note 48

⁵² President Luiz Inacio Lula da Silva is supporting draft legislation which would prohibit in all settings (2010)

⁵³ Draft legislation which would prohibit in all settings was introduced to Congress in July 2010

⁵⁴ See previous note

⁵⁵ See note 53

⁵⁶ See note 53

⁵⁷ Government committed to prohibition; as at March 2008, prohibition was due to be considered by the Government Council for Human Rights

⁵⁸ But no explicit prohibition

⁵⁹ Government committed to prohibition and draft legislation which would prohibit in all settings was due to be submitted to government in April 2010

⁶⁰ But no explicit prohibition

⁶¹ But no explicit prohibition

⁶² Government has stated long-term commitment to prohibition but given no indication of timing

⁶³ 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

⁶⁴ Government stated its intention to introduce prohibition in law during January 2006 examination by the Committee on the Rights of the Child; proposed new legislation to prohibit was rejected in March 2010; a new initiative to amend the law to achieve prohibition was registered in Parliament in May 2010

⁶⁵ But no explicit prohibition

⁶⁶ But no explicit prohibition

⁶⁷ 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)

⁶⁸ Draft Penal Code introduces justification of the use of force by parents, teachers and others for purposes of prevention and punishment of misconduct

⁶⁹ 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

⁷⁰ Draft Penal Code authorises judicial corporal punishment

⁷¹ See note 68

⁷² See note 68

⁷³ 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

⁷⁴ Possibly prohibited in Child Protection Bill under discussion in 2010

⁷⁵ Prohibition of Corporal Punishment Bill 2010 would prohibit

⁷⁶ Prohibited in 2000 Juvenile Justice System Ordinance but this not applicable in all areas

⁷⁷ Prohibition of Corporal Punishment Bill 2010 would prohibit

⁷⁸ Congress has pledged all party support for prohibition (December 2007), and legislation which would prohibit in all settings under discussion (2009)

⁷⁹ Decree states that corporal punishment should not be used but no explicit prohibition in legislation

⁸⁰ Government has stated commitment to prohibition (December 2007)

⁸¹ Government stated commitment to full prohibition in 2005; prohibition was expected to be included in new Family Code for public debate January/February 2007

States committed to full prohibition (ctd)					
State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Slovenia ⁸⁴	NO	YES	YES	YES ⁸⁵	SOME ⁸⁶
Sri Lanka ⁸⁷	NO	NO ⁸⁸	YES	SOME ⁸⁹	NO
Taiwan ⁹⁰	NO	YES	YES	YES	NO ⁹¹

Legal reform in progress but no explicit 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	
Canada ⁹²	NO	YES ⁹³	YES	YES	SOME ⁹⁴
Mongolia	NO ⁹⁵	YES	YES	NO	NO ⁹⁶
Nicaragua ⁹⁷	NO	YES	YES	YES	NO
Philippines ⁹⁸	NO	YES	YES	YES	SOME ⁹⁹
South Africa ¹⁰⁰	NO	YES	YES	YES	YES

Others – prohibition incomplete and no commitment to reform					
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	NO	YES	YES	YES ¹⁰¹	NO
Algeria	NO	YES	YES	[NO]	NO
Andorra	NO	YES ¹⁰²	YES	YES ¹⁰³	NO
Angola	NO	YES	YES ¹⁰⁴	NO	NO

⁸² But no explicit prohibition

⁸³ But no explicit prohibition

⁸⁴ Government stated intention to explicitly prohibit in the home during 2004 drafting of domestic violence law; Family Law Bill which would prohibit in the home under discussion (2009)

⁸⁵ But no explicit prohibition

⁸⁶ Prohibited in day care centres and residential schools

⁸⁷ 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

⁸⁸ Ministerial circular states that corporal punishment should not be used but no prohibition in law

⁸⁹ Prohibited in prisons, but lawful in other penal institutions

⁹⁰ Government stated commitment to prohibition in August 2005

⁹¹ But law prohibiting in schools possibly applies to day care centres and cram schools

⁹² 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 but died when Parliament was prorogued in December; it is to be reintroduced in March 2010; 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

⁹³ 2004 Supreme Court ruling limited use of force by teachers to restraint and removal and excluded corporal punishment; as at March 2010, 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

⁹⁴ 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

⁹⁵ Prohibited in draft amendments to Family Law (2010)

⁹⁶ Prohibited in care institutions in draft amendments to Family Law (2010)

⁹⁷ As at October 2009, proposals had been submitted to prohibit all corporal punishment in the draft Family Code

⁹⁸ Anti-Corporal Punishment Bill which would prohibit in all settings passed its third and final reading in the house of Representatives in January 2010; it has yet to be discussed in the Senate

⁹⁹ Prohibited in residential institutions and day care centres

¹⁰⁰ Efforts to prohibit corporal punishment by parents through the legislature failed in 2007; a national advocacy campaign continues to promote law reform

¹⁰¹ But no explicit prohibition

¹⁰² No explicit prohibition, but education law and regulations recognise dignity of the child

¹⁰³ But no explicit prohibition

Prohibition incomplete and no commitment to reform (ctd)

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Antigua & Barbuda	NO	NO	NO ¹⁰⁵	NO	NO
Argentina	NO	NO	YES	NO ¹⁰⁶	NO
Armenia	NO	YES	YES	YES ¹⁰⁷	NO
Australia	NO ¹⁰⁸	SOME ¹⁰⁹	YES	SOME ¹¹⁰	SOME ¹¹¹
Azerbaijan	NO	YES	YES	YES	NO
Bahamas	NO	NO	YES	[YES]	NO
Bahrain	NO	YES	YES	???	NO
Barbados	NO	NO	NO	NO	[SOME ¹¹²]
Belarus	NO	YES ¹¹³	YES	YES ¹¹⁴	SOME ¹¹⁵
Belgium	NO	YES ¹¹⁶	YES	YES	SOME ¹¹⁷
Belize	NO	YES ¹¹⁸	YES	SOME ¹¹⁹	SOME ¹²⁰
Benin	NO	NO ¹²¹	YES	[YES]	NO
Bolivia	NO ¹²²	NO ¹²³	SOME ¹²⁴	NO ¹²⁵	NO ¹²⁶
Bosnia & Herzegovina	NO	YES	YES	YES	NO
Botswana	NO	NO	NO ¹²⁷	NO	NO
Brunei Darussalam	NO	NO	NO	NO	NO
Burkina Faso	NO	YES	YES	YES ¹²⁸	SOME ¹²⁹
Burundi	NO	NO	YES	NO	NO
Cambodia	NO	YES	YES	YES	NO ¹³⁰
Cameroon	NO	YES	YES	[YES]	NO
Cape Verde	NO	NO ¹³¹	YES	NO	[YES]
Central African Rep.	NO	NO	YES	???	NO

¹⁰⁴ Prohibited for persons under 16 years; prohibition for 16 and 17 year olds unconfirmed

¹⁰⁵ But provisions allowing whipping of a child in the Magistrate Code of Procedure were repealed in 2004

¹⁰⁶ Draft juvenile justice bill (Bill 6789-D-05) which would prohibit corporal punishment under discussion (2007)

¹⁰⁷ But no explicit prohibition

¹⁰⁸ In 2003, Law Reform Institute in Tasmania recommended abolition of reasonable correction defence from criminal and civil law but as at March 2010, 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

¹⁰⁹ Prohibited in Australian Capital Territory, New South Wales, Tasmania and Victoria; South Australian government has proposed prohibition in a bill due to be introduced into Parliament by the end of 2009

¹¹⁰ Prohibited in all states and territories except Australian Capital Territory and Western Australia

¹¹¹ 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

¹¹² 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

¹¹³ But no explicit prohibition

¹¹⁴ But no explicit prohibition

¹¹⁵ Considered unlawful in boarding institutions, but there is no explicit prohibition; not prohibited in foster care

¹¹⁶ But no explicit prohibition

¹¹⁷ Prohibited in institutions and foster care by decrees in some communities; not prohibited in non-institutional childcare

¹¹⁸ But repeal of legal defences unconfirmed

¹¹⁹ Prohibited in "Youth Hostel" detention centre but lawful in prisons and by law enforcement officials

¹²⁰ Prohibited in residential care facilities and in day care centres

¹²¹ Government circular advises against the use of corporal punishment in formal education, but no prohibition in law

¹²² Legislation prohibits only corporal punishment which is considered harmful

¹²³ See previous note

¹²⁴ Prohibited in state laws, but lawful in indigenous and tribal justice systems

¹²⁵ See note 122

¹²⁶ See note 122

¹²⁷ Possibly prohibited in 2009 Children's Act, but not in relation to customary courts

¹²⁸ But possibly no explicit prohibition

¹²⁹ Prohibited in institutions; not prohibited in foster care

¹³⁰ Minimum standards state that corporal punishment should not be used, but no prohibition in legislation

¹³¹ Ministry of Education guidelines advise against the use of corporal punishment, but no prohibition in law

Prohibition incomplete and no commitment to reform (ctd)					
State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Chad	NO	YES	YES	NO	NO
Chile	NO	NO ¹³²	YES	YES	NO
China	NO ¹³³	YES	YES	YES	NO
Colombia	NO	NO ¹³⁴	SOME ¹³⁵	NO ¹³⁶	NO
Comoros	NO	NO	[YES] ¹³⁷	NO	NO
Congo, Republic of	NO	[YES]	YES	NO	NO
Cook Islands	NO	NO ¹³⁸	YES	NO	NO
Cote d'Ivoire	NO	NO ¹³⁹	YES	YES ¹⁴⁰	NO
Cuba	NO	NO	YES	NO	NO
DPR Korea	NO	NO ¹⁴¹	YES ¹⁴²	[YES]	NO
DR Congo	NO	YES	YES	NO	NO
Djibouti	NO	[YES]	[YES]	NO	NO
Dominica	NO	NO	NO	NO	SOME ¹⁴³
Dominican Republic	NO	YES	YES	YES	SOME ¹⁴⁴
Ecuador	NO	YES	SOME ¹⁴⁵	YES	SOME ¹⁴⁶
Egypt	NO	YES	YES	YES ¹⁴⁷	NO
El Salvador	NO	YES	YES	YES	NO
Equatorial Guinea	NO	NO	???	???	NO
Eritrea	NO	NO ¹⁴⁸	NO ¹⁴⁹	???	NO
Ethiopia	NO	YES	YES	YES	SOME ¹⁵⁰
Fiji	NO ¹⁵¹	YES ¹⁵²	YES	YES	NO
France	NO ¹⁵³	NO ¹⁵⁴	YES	YES ¹⁵⁵	NO ¹⁵⁶
Gabon	NO	YES	???	???	NO
Gambia	NO	NO	YES	NO	NO
Georgia	NO ¹⁵⁷	YES ¹⁵⁸	YES	YES ¹⁵⁹	[SOME] ¹⁶⁰

¹³² Legislation prohibits only corporal punishment resulting in injury

¹³³ But corporal punishment of the female child is prohibited in the Shenzhen Special Economic Zone

¹³⁴ Legislation prohibits only corporal punishment resulting in injury

¹³⁵ Prohibited in laws of the Republic, but under Constitutional case law permitted among indigenous Indian communities

¹³⁶ See note 134

¹³⁷ Possibly lawful under Shari'a law and in traditional justice systems

¹³⁸ Education Bill 2009 would prohibit

¹³⁹ Ministerial circular states that corporal punishment should not be used, but no prohibition in law; prohibition is expected to be enacted in legislation in 2010

¹⁴⁰ But no explicit prohibition

¹⁴¹ Policy states that corporal punishment should not be used, but no prohibition in law; possibly prohibited in the Education Law (2005)

¹⁴² But corporal punishment is possibly an element of "public education" sanctions

¹⁴³ Prohibited in early childhood education facilities

¹⁴⁴ Prohibited in institutions

¹⁴⁵ Prohibited in state law but permitted under traditional law in indigenous communities; draft law for indigenous justice under discussion (2005)

¹⁴⁶ Prohibited in institutions but lawful in other childcare settings

¹⁴⁷ But possibly permitted in social welfare institutions

¹⁴⁸ Policy states that corporal punishment should not be used, but no prohibition in law

¹⁴⁹ Lawful under Transitional Penal Code but prohibited in Draft Penal Code

¹⁵⁰ Prohibited in institutions by Constitution, but "reasonable chastisement" defence available

¹⁵¹ In 2006, the prime minister and other high level offices called for prohibition, but as at March 2010 legal reform had not progressed

¹⁵² Ruled unconstitutional in 2002 High Court ruling, but as at February 2010 legislation not amended

¹⁵³ In January 2010, a private members bill which would prohibit in all settings (Bill 2244) was registered at the Presidency of the National Assembly

¹⁵⁴ 1889 High Court ruling allowed "right to correction" for teachers; 2000 ruling stated that habitual and non-educational corporal punishment not covered by this; see also previous note

¹⁵⁵ But no explicit prohibition; see also note 153

¹⁵⁶ See note 153

Prohibition incomplete and no commitment to reform (ctd)

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 ¹⁶¹	YES	SOME ¹⁶²	NO
Grenada	NO	NO	NO	NO	SOME ¹⁶³
Guatemala	NO	NO	SOME ¹⁶⁴	YES	NO
Guinea	NO	YES	[NO]	???	NO
Guinea-Bissau	NO	YES	YES	[YES]	???
Guyana	NO	NO	NO ¹⁶⁵	NO	NO
Haiti	NO ¹⁶⁶	YES	YES	YES	YES
Honduras	NO	YES	YES	NO	NO
India ¹⁶⁷	NO ¹⁶⁸	YES	SOME ¹⁶⁹	SOME ¹⁷⁰	SOME ¹⁷¹
Indonesia	NO	NO	SOME ¹⁷²	NO	NO
Iran, Islamic Rep. of	NO	YES	NO	[YES]	NO
Iraq	NO	NO ¹⁷³	YES	SOME ¹⁷⁴	NO
Jamaica	NO	SOME ¹⁷⁵	YES	YES	YES
Japan	NO ¹⁷⁶	YES ¹⁷⁷	YES	NO	NO
Jordan	NO ¹⁷⁸	YES	YES	YES	[NO]
Kazakhstan	NO	SOME ¹⁷⁹	YES	YES	SOME ¹⁸⁰
Kiribati	NO	YES ¹⁸¹	NO ¹⁸²	NO	NO
Kuwait	NO	[YES]	YES	NO	???
Kyrgyzstan	NO	YES	YES	YES	SOME ¹⁸³

¹⁵⁷ 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

¹⁵⁸ But no explicit prohibition

¹⁵⁹ But no explicit prohibition

¹⁶⁰ Prohibited in institutional care establishments (information unconfirmed)

¹⁶¹ Ministerial directive advises against the use of corporal punishment (information unconfirmed), but no prohibition in law

¹⁶² Prohibited in prisons; no explicit prohibition in borstal institutions and industrial institutions

¹⁶³ Prohibited in child care homes by licensing requirements

¹⁶⁴ Unlawful in state laws but permitted in traditional justice systems

¹⁶⁵ Juvenile Offenders (Amendment) Bill under discussion in 2010 would prohibit

¹⁶⁶ Possibly prohibited by 2001 law, but no unequivocal confirmation

¹⁶⁷ 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

¹⁶⁸ Prevention of Offences Against the Child Bill under discussion in 2010 would prohibit only corporal punishment of a certain degree of severity

¹⁶⁹ Prohibited in state laws, but used in traditional justice systems

¹⁷⁰ Prohibited under the Juvenile Justice (Care and Protection of Children) Rules (2007), but these do not apply in Jammu and Kashmir; see note 168

¹⁷¹ Prohibited in care institutions under the Juvenile Justice (Care and Protection of Children) Rules (2007), but these do not apply in Jammu and Kashmir; lawful in non-institutional forms of care; see note 168

¹⁷² Prohibited in Criminal Code but permitted under Shari’a law in Aceh province and in regional regulations based on Islamic Law in other areas

¹⁷³ Reportedly prohibited in regulations, but Penal Code confirms right of teachers to discipline children within limits prescribed by law or custom

¹⁷⁴ Prohibited in prisons and detention centres, but possibly lawful in other institutions accommodating children in conflict with the law

¹⁷⁵ Prohibited in schools for children up to the age of 6 years; prohibition in all schools under discussion (March 2010)

¹⁷⁶ But prohibited in Kawasaki City by local ordinance

¹⁷⁷ Prohibited in 1947 School Education Law but 1981 Tokyo High Court judgment stated that some physical punishment may be lawful in some circumstances

¹⁷⁸ 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)

¹⁷⁹ Prohibited in regular schools but not in military schools

¹⁸⁰ Prohibited in children’s villages, youth homes and other institutions, but no prohibition in foster care or kinship care

¹⁸¹ Statutory provisions allowing for corporal punishment repealed but no explicit prohibition in legislation

¹⁸² Government committed to prohibition (2006)

Prohibition incomplete and no commitment to reform (ctd)					
State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Lao PDR	NO	[YES]	YES	YES ¹⁸⁴	NO
Lebanon	NO	NO ¹⁸⁵	YES	[YES]	NO
Lesotho	NO	NO ¹⁸⁶	NO ¹⁸⁷	NO	NO
Liberia	NO	NO	YES	??? ¹⁸⁸	NO
Libyan Arab Jamahiriya	NO	YES	NO	???	???
Madagascar	NO	NO	YES	NO	NO
Malawi	NO	YES ¹⁸⁹	YES	YES ¹⁹⁰	SOME ¹⁹¹
Malaysia	NO	NO	NO ¹⁹²	NO ¹⁹³	NO
Mali	NO ¹⁹⁴	YES	YES	YES ¹⁹⁵	NO
Malta	NO	YES ¹⁹⁶	YES	[YES]	NO
Marshall Islands	NO	YES	YES	YES	NO
Mauritania	NO	NO ¹⁹⁷	NO	NO	NO
Mauritius	NO	YES	YES	NO	NO
Mexico	NO ¹⁹⁸	NO	YES	NO	NO
Micronesia, Fed. States	NO	[YES]	YES	NO	NO
Monaco	NO	YES ¹⁹⁹	YES	YES ²⁰⁰	NO
Montenegro	NO	YES	YES	YES ²⁰¹	NO
Morocco	NO	NO ²⁰²	YES	YES	NO ²⁰³
Mozambique	NO	NO ²⁰⁴	YES	YES	NO
Myanmar	NO	NO ²⁰⁵	YES ²⁰⁶	NO	NO
Namibia	NO	YES	YES ²⁰⁷	YES ²⁰⁸	SOME ²⁰⁹
Nauru	NO	[NO]	[YES]	NO	NO
Niger	NO	NO	YES	NO	NO
Nigeria	NO	NO	SOME ²¹⁰	NO	NO
Niue	NO	NO	YES	???	[NO]

¹⁸³ Prohibited in residential institutions

¹⁸⁴ But no explicit prohibition

¹⁸⁵ Government committed to law reform (2006)

¹⁸⁶ Prohibited in Education Bill (2009)

¹⁸⁷ Prohibited in the Child Protection and Welfare Bill, under discussion July 2008

¹⁸⁸ Prohibited in prisons, but legality in other institutions accommodating children in conflict with the law unknown

¹⁸⁹ Prohibited in the Constitution and possibly in the Child (Care, Protection and Justice) Act

¹⁹⁰ See previous note

¹⁹¹ Considered unlawful in state institutions under the Constitution; possibly prohibited in the Child (Care, Protection and Justice) Act

¹⁹² Government committed to prohibition (2007)

¹⁹³ See previous note

¹⁹⁴ Draft Family Code (2009) removes the right of correction but does not explicitly prohibit corporal punishment

¹⁹⁵ But no explicit prohibition

¹⁹⁶ But no explicit prohibition

¹⁹⁷ Ministerial Order states that corporal punishment should not be used, but no prohibition in legislation

¹⁹⁸ But "right of correction" removed from the Civil Code of the Federal Territory

¹⁹⁹ But no explicit prohibition

²⁰⁰ But no explicit prohibition

²⁰¹ But possibly no explicit prohibition

²⁰² Ministerial direction advises against the use of corporal punishment, but no prohibition in law

²⁰³ No prohibition in foster care; possibly no prohibition in other alternative care settings

²⁰⁴ Government directive advises against the use of corporal punishment, but no prohibition in law

²⁰⁵ Government directive advises against the use of corporal punishment, but no prohibition in law

²⁰⁶ But some legislation not amended/repealed

²⁰⁷ Unlawful under 1991 Supreme Court ruling but as at February 2010 some legislation yet to be repealed

²⁰⁸ See previous note

²⁰⁹ Unlawful in state institutions under 1991 Supreme Court ruling but some legislation yet to be repealed; Child Care and Protection Bill 2009 would prohibit in all settings

²¹⁰ 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

Prohibition incomplete and no commitment to reform (ctd)					
State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Oman	NO	YES	???	NO	NO
Palau	NO	NO	YES	NO	NO
Palestine	NO	SOME ²¹¹	[NO] ²¹²	[NO] ²¹³	NO
Panama	NO ²¹⁴	NO ²¹⁵	YES	YES	NO ²¹⁶
Papua New Guinea	NO	NO ²¹⁷	YES	YES	SOME ²¹⁸
Paraguay	NO	NO ²¹⁹	YES	YES	NO
Qatar	NO	NO ²²⁰	NO	NO	NO
Republic of Korea	NO	NO ²²¹	YES	YES ²²²	[SOME] ²²³
Russian Federation	NO	YES ²²⁴	YES	YES ²²⁵	NO
Rwanda	NO ²²⁶	NO ²²⁷	YES	NO ²²⁸	NO ²²⁹
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 ²³⁰	YES	[NO]	NO
San Marino	NO ²³¹	YES	YES	YES ²³²	NO
Sao Tome & Principe	NO	[YES]	SOME ²³³	???	NO
Saudi Arabia	NO	NO ²³⁴	NO	NO	NO
Senegal	NO	YES	YES	YES ²³⁵	NO
Seychelles	NO	NO ²³⁶	YES	[YES]	[YES]
Sierra Leone	NO ²³⁷	NO ²³⁸	YES	NO	NO
Singapore	NO	NO	NO	NO	SOME ²³⁹
Solomon Islands	NO	NO	YES	YES	NO

²¹¹ Prohibited in UNRWA schools and in East Jerusalem; in public schools, Ministerial direction advises against the use of corporal punishment, but no prohibition in law

²¹² Possibly unlawful in the West Bank

²¹³ Possibly unlawful in East Jerusalem

²¹⁴ Legislation prohibits only corporal punishment which results in injury

²¹⁵ See previous note

²¹⁶ See note 214

²¹⁷ Government directive advises against the use of corporal punishment, but no prohibition in law

²¹⁸ 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

²¹⁹ Legislation protects dignity but does not explicitly prohibit corporal punishment

²²⁰ Ministerial Decree states that corporal punishment should not be used, but no explicit prohibition in legislation

²²¹ Draft Student Rights Act would prohibit (August 2010)

²²² But no explicit prohibition

²²³ Possibly prohibited in child care institutions

²²⁴ But possibly no explicit prohibition

²²⁵ But no explicit prohibition

²²⁶ Draft Child Protection Act would possibly prohibit (May 2010)

²²⁷ Draft Child Protection Act would prohibit (May 2010)

²²⁸ See previous note

²²⁹ See note 226

²³⁰ 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

²³¹ 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

²³² But no explicit prohibition

²³³ Prohibited for persons under the age of 17 years, but possibly lawful for those aged 17 years

²³⁴ Ministerial circulars advise against the use of corporal punishment, but no prohibition in law

²³⁵ But no explicit prohibition

²³⁶ Policy states that corporal punishment should not be used, but no prohibition in law

²³⁷ Sierra Leone Truth and Reconciliation Commission recommended prohibition in the home and schools (2004), but 2007 Child Rights Act reaffirms right to correct

²³⁸ See previous note

²³⁹ Prohibited in child care centres

Prohibition incomplete and no commitment to reform (ctd)

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Somalia	NO	SOME ²⁴⁰	SOME ²⁴¹	SOME ²⁴²	SOME ²⁴³
Sudan (Northern)	NO	NO ²⁴⁴	YES	NO	NO
Suriname	NO	[YES]	YES	YES	NO
Swaziland	NO	NO ²⁴⁵	NO ²⁴⁶	NO ²⁴⁷	NO ²⁴⁸
Switzerland	NO ²⁴⁹	YES ²⁵⁰	YES	YES	YES
Syrian Arab Republic	NO	NO ²⁵¹	YES	???	NO
Tajikistan	NO	NO	YES	NO	NO
Thailand	NO	YES	YES ²⁵²	YES ²⁵³	NO
TFYR Macedonia	NO	YES	YES	YES ²⁵⁴	NO
Timor-Leste, DR	NO	NO ²⁵⁵	YES	YES	NO ²⁵⁶
Togo	NO ²⁵⁷	YES	YES	YES	YES
Tonga	NO	YES	NO ²⁵⁸	NO	NO
Trinidad & Tobago	NO ²⁵⁹	NO ²⁶⁰	YES	NO ²⁶¹	NO ²⁶²
Turkey	NO	NO	YES	YES ²⁶³	NO
Turkmenistan	NO ²⁶⁴	YES	YES	YES	NO ²⁶⁵
Tuvalu	NO	NO	SOME ²⁶⁶	NO	NO
Uganda	NO	NO ²⁶⁷	YES	YES	NO
United Arab Emirates	NO	YES ²⁶⁸	NO	NO	NO
UK	NO ²⁶⁹	YES	YES	YES ²⁷⁰	SOME ²⁷¹

²⁴⁰ Prohibited in Somaliland

²⁴¹ Prohibited in Somaliland

²⁴² Prohibited in Somaliland

²⁴³ Prohibited in Somaliland but possibly not in all alternative care settings

²⁴⁴ 2010 Child Act prohibits cruel punishment but no explicit prohibition of all corporal punishment

²⁴⁵ Proposals have been made to prohibit in draft legislation (May 2008)

²⁴⁶ See previous note

²⁴⁷ See note 245

²⁴⁸ See note 245

²⁴⁹ 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

²⁵⁰ Prohibited by federal law pursuant to cantonal legislation; 1991 Federal Court ruled it permissible in certain circumstances, but this considered impossible under current legislation

²⁵¹ Ministry of Education advises against its use but no explicit prohibition in law

²⁵² But some legislation not amended (March 2010)

²⁵³ See previous note

²⁵⁴ But no explicit prohibition

²⁵⁵ Government committed to prohibition (2005)

²⁵⁶ Policy advises against the use of corporal punishment in child care centres, orphanages and boarding houses, but no prohibition in law

²⁵⁷ Possibly prohibited in Children's Code 2007

²⁵⁸ 2010 Court of Appeal ruling stated that whipping provisions in criminal law are likely to be unconstitutional but did not categorically declare corporal punishment to be unconstitutional

²⁵⁹ Children Bill 2010 provides for the right of a parent to administer reasonable punishment; the bill passed its first and second readings in parliament in January 2010 and was referred to the Special Select Committee

²⁶⁰ Children Bill 2010 would prohibit

²⁶¹ Children Bill 2010 would prohibit

²⁶² Policy advises against the use of corporal punishment in health care and psychiatric institutions, but no prohibition in law; Children Bill 2010 would prohibit

²⁶³ But possibly no explicit prohibition

²⁶⁴ 2002 Rights of the Child (Guarantees) Act prohibits corporal punishment considered to be harmful

²⁶⁵ See previous note

²⁶⁶ Unlawful under the Penal Code and the Code of Criminal Procedure, but Island Courts may order corporal punishment

²⁶⁷ Ministerial circular advises against the use of corporal punishment in state schools, but no prohibition in law; Government has stated its intention to prohibit when the Children Act is reviewed

²⁶⁸ But no explicit prohibition in relation to private schools

²⁶⁹ 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

Prohibition incomplete and no commitment to reform (ctd)					
State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
United Rep. of Tanzania	NO	NO	SOME ²⁷²	NO	NO
USA	NO	SOME ²⁷³	YES	SOME ²⁷⁴	SOME ²⁷⁵
Uzbekistan	NO	YES	[YES]	YES	NO
Vanuatu	NO	YES	SOME ²⁷⁶	YES ²⁷⁷	NO
Viet Nam	NO	NO	YES	YES	NO
Western Sahara	NO	[NO]	[YES]	[YES]	[NO]
Yemen	NO ²⁷⁸	YES	NO	YES	NO ²⁷⁹
Zambia	NO	NO ²⁸⁰	YES ²⁸¹	YES ²⁸²	NO
Zimbabwe	NO	NO	NO	NO	NO

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

²⁷⁰ But no explicit prohibition in secure training centres

²⁷¹ 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

²⁷² Possibly prohibited in Zanzibar; lawful in mainland Tanzania

²⁷³ Prohibited in public and private schools in Iowa and New Jersey, in public schools in a further 28 states and District of Columbia; bill to prohibit at federal level (Bill HR 5628) under discussion (August 2010)

²⁷⁴ Prohibited in 32 states

²⁷⁵ Prohibited in all alternative care settings in 30 states and in some settings in other states and the District of Columbia

²⁷⁶ Used in rural areas for punishment of young boys and girls found to have broken village or custom rules

²⁷⁷ But no explicit prohibition

²⁷⁸ Proposals have been made to restrict, but not prohibit, corporal punishment (May 2008)

²⁷⁹ See previous note

²⁸⁰ Education Bill which would prohibit under discussion (June 2010)

²⁸¹ Ruled unconstitutional by Supreme Court in 1999, but as at February 2010 some legislation not amended

²⁸² See previous note