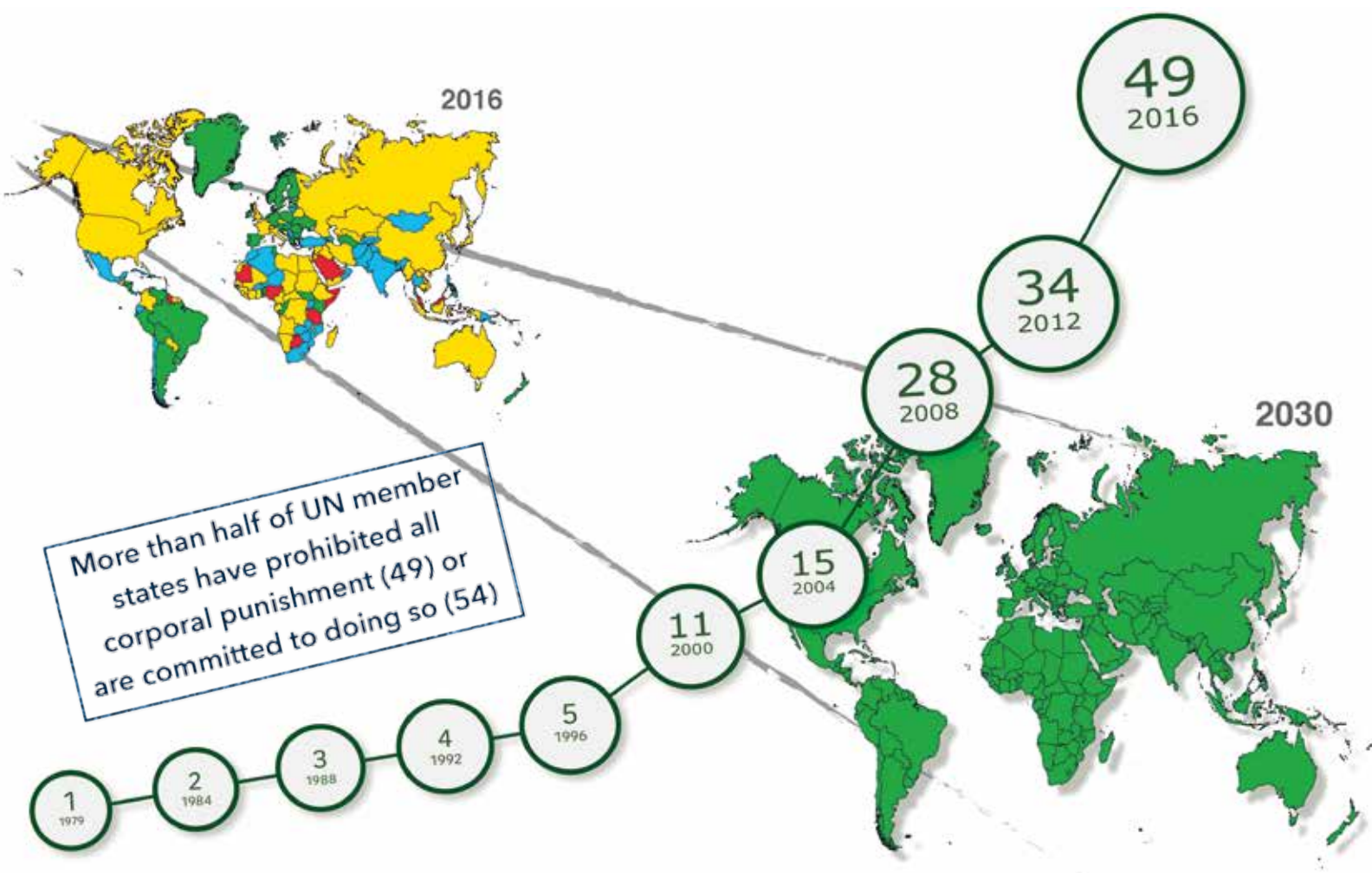


# Childhoods free from corporal punishment – prohibiting and eliminating all violent punishment of children

A special progress report prepared for the high-level intergovernmental conference hosted by the Austrian Government in Vienna, June 2016, and marking the 10th anniversary of the UN Study on Violence against Children



*“... eliminating violent and humiliating punishment of children, through law reform and other necessary measures, is an immediate and unqualified obligation of States parties [to the Convention on the Rights of the Child].”*

Committee on the Rights of the Child, General Comment No. 8, 2006

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Designed by Simon Scott

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### Note on facts and figures

The Global Initiative bases its analyses on a total of 198 states, all states parties to the UN Convention on the Rights of the Child except Holy See, plus Taiwan, the US and Western Sahara. The scales illustration on page 5 refers only to the 193 UN member states. Child population figures are from UNICEF 2013 and, where no UNICEF figures are available, *World Population Prospects 2010* (0-19) (Western Sahara) and Dept of Household Registration, Ministry of Interior, 2013 (Taiwan).

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

[www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)



**Sophie Karmasin**

Austria's Federal  
Minister of Families and  
Youth

*“Every child has the right to an upbringing free of violence!”*

Austria has adopted the fight to end violence against children as a high priority – for its own children, across Europe and now globally. Following the inaugural conference hosted by the Swedish Government in June 2014 in Stockholm, Austria has invited representatives of all nations to Vienna in June 2016, in order to continue the high-level dialogue on how to achieve universal prohibition and elimination of violent punishment of children, as well as sharing experiences of the long and rocky path “Towards childhoods free from corporal punishment”.

In Austria, the 2011 Constitutional Law on the Rights of Children (article 5) gave every child a constitutional right to an upbringing free of violence, a centrepiece of the set of children’s fundamental rights guaranteed under Austrian Constitutional Law. Back in 1989, prohibition of the “use of force and the application of violence and infliction of physical or mental harm” had been achieved in the Civil Code, fulfilling the obligation of article 19 of the Convention on the Rights of the Child (CRC).

Austria’s prohibition of corporal punishment, as the fourth country in the world to do so – after Sweden (1979), Finland (1983) and Norway (1987) – was largely thanks to Austrian paediatrician and activist for the violence-free upbringing of children, Prof. Hans Czermak. His study “On the every-day use of violence in dealings with children”, published in 1977 under the pioneering title “The healthy smack is harmful!”, provided not only the basis for years of controversial political discourse, but initiated a gradual turning away from the then predominant authoritarian principles of childrearing.

Two decades ago, in 1996, a decisive paradigm shift in dealing with domestic violence was achieved in the Protection against Violence Act, which not only fully outlawed violence in the home but also ended the impunity of violent family members, introducing eviction orders for perpetrators of violence.

What has been the impact of these successive legal changes so far? In 2014, the 25th anniversary of adoption of the CRC as well as of prohibition of violence against children in Austria seemed an opportune time to review the overall impact of the legal changes. Therefore a study was commissioned, using identical questions to those used in Dr. Czermak’s 1977 study:

- In 1977, 85% approved the statement: “A little slap now and again never harmed a child”; only 4% thought it was wrong. By 2014, only 16% approved, while almost half respondents (48%) disapproved.
- “It’s no big deal to lose one’s temper and deal a slap occasionally when a child is misbehaving”: disapproval of this belittlement of hitting children has increased dramatically from 10% in 1977 to 77% in 2014, while approval dropped from 57% in 1977 to just 3% in 2014.
- “When adults are speaking, children should remain quiet” attracted 64% approval in 1997, while a further 28% partially approved. In 2014, only 16% of respondents agreed with the statement, 66% partially agreed.

These and other results suggest a decisive move away from approval of violence in childrearing and towards a more inclusive, participatory role for children.

Last September, all world-nations committed to the new Sustainable Development Agenda 2030, including target 16.2 to “end” all violence against children. The Vienna Conference “Towards childhoods free from corporal punishment” is dedicated to accelerating collaborative progress towards prohibition and elimination of all violent punishment of children, constituting the most common form of violence against them.

## *Sweden – the pioneer in banning corporal punishment*



### **Åsa Regnér**

Sweden's Minister for Children, the Elderly and Gender

According to article 19 of the Convention, the child has the right to be protected from all forms of violence, including corporal punishment. It is my firm belief that there is no excuse for using violence against children in whatever setting. When violence is used against children, their confidence in the adult world is damaged. And there is good reason to believe that if this violence is exercised by the child's own parent, or by someone else close to them, the damage is even greater. As the Polish doctor, writer and educationalist Janusz Korczak once said: "There are many terrible things in the world, but the worst is when a child is afraid of his father, mother or teacher."

The Swedish legislation against corporal punishment of children is now 37 years old. Sweden was the first country in the world to prohibit all corporal punishment of children. This legislation, combined with sustained public education and awareness-raising of the law and of children's right to protection, together with promotion of positive, non-violent relationships with children, has been effective. National surveys repeatedly show that most Swedish parents reject the use of any form of corporal punishment of children.

While these results are encouraging and good testament of what can be achieved through legislation against corporal punishment, we have to recognise that not all children grow up in an environment free from violence, in Sweden or in the world. Thus, Sweden has long been committed to help the global process of banning corporal punishment. In 2014, Sweden hosted a high-level intergovernmental conference aimed at raising the prohibition of corporal punishment of children higher up the international political agenda. I am delighted that the process now continues through this initiative from the Austrian Government. It is our sincere hope that this international dialogue at the highest political level will continue.

Considering the challenges ahead of us when it comes to the implementation of article 19, the Swedish government very much welcomes that the elimination of violence and exploitation of children are explicit goals in the Sustainable Development Agenda 2030. Of course, the true test of the entire 2030 Agenda and the global goals is not the adoption of the goals, but that they are implemented throughout the world.

To support states and other stakeholders in implementing these goals, a Global Partnership to end violence against children will be established. The Swedish government has been invited to participate in this Partnership as a pathfinder country. As such, we expect to contribute to the Partnership and its goal to end violence against children by continuing to share our national experiences and good practices with others.



### **Benyam Dawit Mezmur**

Chair, UN Committee on the Rights of the Child and African Committee of Experts on the Rights and Welfare of the Child

Austria's initiative in hosting a major intergovernmental conference on "Towards childhoods free from corporal punishment" is very welcome. And it is very timely: this year not only marks the 10th anniversary of the report of the UNSG's Study on Violence against Children, but also in July 2016 there will be the first High Level Political Forum on Sustainable Development.

The focus of this year's High Level Political Forum is on "Ensuring that no one is left behind" – a recurring commitment made by all UN member states in adopting the Agenda, including its target 16.2 on ending all forms of violence against children. Children have undoubtedly been left behind in relation to the legality and prevalence of violent punishment – the most common form of violence against them. While there is some commendable progress as this report confirms, corporal punishment of children remains legal within the family in almost three quarters of states and also in schools, care institutions and penal systems in many states.

Both the Committee on the Rights of the Child and the African Committee of Experts on the Rights and Welfare of the Child consistently address this issue as a human rights violation in their examination of states' reports. We must hope, even expect, that the added monitoring of the SDGs process will speed universal prohibition ahead of 2030, together with substantial progress towards the elimination of all violent punishment.



## Professor Paulo Sérgio Pinheiro

The Independent Expert who led the UN Secretary General's Study on Violence against Children

Countless children asked me, during the process of the UNSG's Study, whether the Study would make a difference to their lives. It was easy enough for us to write in the report: "The Study should mark a turning point – an end to adult justification of violence against children, whether accepted as 'tradition' or disguised as 'discipline'."

Now, 10 years later, it is possible that the "turning point" has been reached: more than half of UN member states have either fully banned all corporal punishment, or openly committed to doing so. In adopting the 2030 Sustainable Development Agenda, the world's states have committed to a new deadline to "end" all forms of violence against children. But 2030 is a long way away, especially for children. We need to set ourselves and states very much closer targets – at least to achieve universal legal protection.

Back in the period of the Study, we would hear people suggesting there are already enough laws protecting children – the problem lies elsewhere. This is wildly inaccurate – very few states yet have an adequate legal framework protecting children from all forms of violence. And it is disgracefully undermining of the rule of law. At times during the Study, and more recently in the context of my work as Chair of the International Commission of Inquiry into Syria, I have felt despairing about states' and others' inability to understand that insisting on full respect for human rights and rule of law is quite simply the only hope for human societies. We must insist on a clear and complete legal framework of prohibition as the essential foundation. How far a state has got in constructing such a legal framework is a clear sign of true commitment.

Of course prohibition is not enough: other, primarily educational, measures must be linked to law reform. But law in itself, properly disseminated, is a most powerful tool in changing traditional social norms.



## Marta Santos Pais

Special Representative of the UN Secretary General on Violence against Children

2016 is a very significant year for children's protection from violence. It marks the 10th anniversary of the pioneering UN Study on Violence against Children, which provided for the first time a global overview of the extent and causes of violence against children, and set out a clear roadmap for tackling it. The enactment in all countries of a national legal ban on all forms of violence against children is a key step in this direction.

This year also marks the beginning of the implementation of Agenda 2030, the new global Sustainable Development Agenda. The Agenda addresses violence against children as a cross-cutting concern and includes a specific target to end all forms of violence against children. For the very first time, the dignity of children and their right to live free from violence and from fear is recognised as a distinct priority on the international development agenda and the vision of human development for all countries and all regions.

The ambition of Agenda 2030 cannot be fulfilled as long as violence, including corporal punishment, remains a reality for children. We need to transform the momentum created by the anniversary of the UN Study on Violence against Children and Agenda 2030 into an unstoppable movement towards a world where violence has truly no place.

It is indeed high time to close the gap between legal and political commitments and action, and to promote a culture of respect for children's rights and of zero tolerance for violence. It is high time to mobilise all those who can support the building of a world free from violence for all children, everywhere and at all times, leaving no one behind. This is an opportunity the world cannot miss and each one of us can help achieve.

# Transforming children's world: making 2030 a realistic deadline for prohibiting violent punishment

If states can be convinced to work strategically together, 2030 is now an entirely realistic deadline for achieving universal prohibition of violent punishment of children and its substantial elimination.

In July 2016, United Nations member states come together in New York for the High Level Political Forum on Sustainable Development (HLPF): this is the UN's central platform for follow-up and review of the 2030 Sustainable Development Agenda with its 17 goals and 169 targets. The focus of this Forum is "ensuring that no one is left behind", one of the recurring commitments made in the 2030 Agenda.

Children certainly have been – are still being – left behind by the persisting legality and social approval of violent punishment inflicted in their families, schools and other institutions. Children are now the only citizens of many states who can still be criminally assaulted with impunity – if the assault is disguised as "discipline". The Global Initiative will work with governments and other partners to highlight this issue during the HLPF. The 2030 Agenda, "Transforming our world", envisages "a world free of fear and violence ... a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination". For children this plainly demands an end to the indignity, injustice and inequality inherent in legalised violent punishment.

Among the 169 SDG targets is target 16.2 – to "end" all forms of violence against children. Achieving prohibition and elimination of violent punishment – now widely acknowledged as the most common form of violence against children – is clearly a major part of fulfilling target 16.2 and other key goals and targets, as set out on the following pages.

Unlike many of the SDG targets, the essential information needed to monitor progress towards "ending" violent punishment of children is already in place. The Global Initiative's individual reports on every state and territory set out in detail its legality and summarise what is known about prevalence: access the full reports via our new interactive map at [www.endcorporalpunishment.org/interactive-map](http://www.endcorporalpunishment.org/interactive-map).

States have now adopted, as a core indicator for target 16.2, measurement of the prevalence of physical and psychological punishment. Thanks to UNICEF, we have reliable and shocking baseline information, based on data from over 60 countries obtained primarily from UNICEF-supported MICS surveys, showing that around six in ten (almost a billion) 2-14 year olds had been physically punished by their caregivers at home on a regular basis (UNICEF, 2014, *Hidden in Plain Sight: A statistical analysis of violence against children*).

There is already very encouraging and accelerating progress: more than half of UN member states have either achieved a full ban or clearly committed to do so. The number of states with full prohibition has more than tripled in the decade since 2006. There is already very strong – and ever increasing – human rights pressure on all states to prohibit and eliminate violent punishment of children. The issue is raised consistently during the Universal Periodic Reviews of states' overall human rights records.

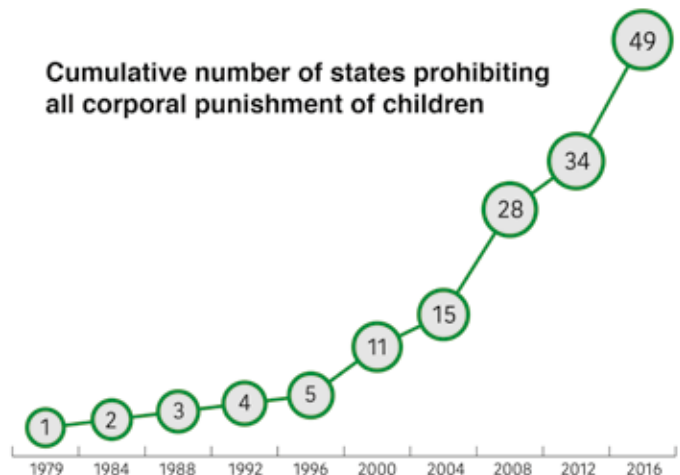
During the July 2016 High Level Political Forum, 22 states will submit themselves for voluntary SDG review; of these, six have achieved a full ban on corporal punishment, another seven have clearly committed to do so. The remaining nine states have neither achieved nor committed to a full ban, although all have prohibited corporal punishment in some settings.

This report documents in detail the above mentioned progress and potential for accelerating it: we hope it will both guide and inspire determined efforts to ensure children's world no longer has any place for violent punishment.

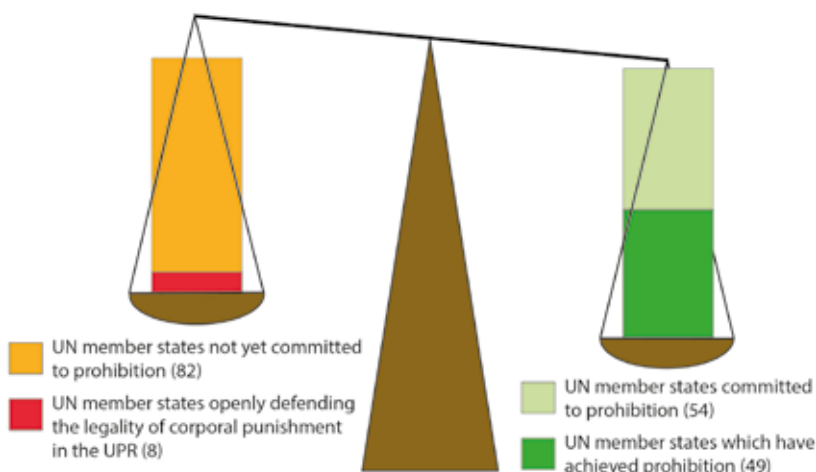
# Progress towards universal prohibition

It is 10 years since the UN Study on Violence against Children recommended urgent action to prohibit all corporal punishment of children. Since 2006, the number of states achieving this fundamental reform for children has grown rapidly, from 16 to 49. If we can maintain this rate of progress – tripling the number of prohibiting states over each 10 year period – then achieving universal prohibition of corporal punishment by 2030 is an entirely realistic target.

Cumulative number of states prohibiting all corporal punishment of children



The 2030 Agenda for Sustainable Development with its target 16.2 to end all forms of violence against children provides a new additional context for advocacy to maintain and increase this momentum of change. In addition to the 49 states which have achieved a full ban, 54 states have made clear commitments to prohibition. The balance has tipped in favour of reform: we have reached the point where over half of all UN member states have prohibited all corporal punishment or are committed to doing so.



Action is needed now to ensure that legislative gaps in prohibition of corporal punishment are addressed. This means enacting legislation to prohibit corporal punishment in the home in the 149 states which have yet to do so, in alternative care settings in 142 states, in day care in 142 states, in schools in 70, penal institutions in 60 and as a sentence for crime under statute, customary and/or religious law in 34 states.

## States that have achieved prohibition of corporal punishment in all settings

Albania; Andorra; Argentina; Austria; Benin; Bolivia; Brazil; Bulgaria; Cabo Verde; Congo (Republic); Costa Rica; Croatia; Cyprus; Denmark; Estonia; Finland; Germany; Greece; Honduras; Hungary; Iceland; Ireland; Israel; Kenya; Latvia; Liechtenstein; Luxembourg; Malta; Mongolia; Netherlands; New Zealand; Nicaragua; Norway; Peru; Poland; Portugal; Republic of Moldova; Romania; San Marino; South Sudan; Spain; Sweden; TFYR Macedonia; Togo; Tunisia; Turkmenistan; Ukraine; Uruguay; Venezuela

**Territories:** Curaçao; Faroe Islands; Greenland; Pitcairn Islands; St Maarten; Svalbard and Jan Mayen Islands

## States that have made a clear commitment to prohibition

Afghanistan; Algeria; Angola; Armenia; Azerbaijan; Bangladesh; Belize; Bhutan; Bosnia and Herzegovina; Burkina Faso; Chile; Comoros; Cuba; Dominican Republic; Ecuador; El Salvador; Fiji; Georgia; Guinea-Bissau; India; Kiribati; Kyrgyzstan; Lithuania; Marshall Islands; Mauritius; Mexico; Micronesia; Montenegro; Morocco; Mozambique; Nepal; Niger; Oman; Pakistan; Palau; Panama; Papua New Guinea; Paraguay; Philippines; Rwanda; Samoa; Sao Tome and Principe; Serbia; Slovakia; Slovenia; South Africa; Sri Lanka; Tajikistan; Thailand; Timor-Leste; Turkey; Uganda; Zambia; Zimbabwe

## Progress towards prohibition of all corporal punishment in states undergoing “voluntary national reviews” at the High Level Political Forum in July 2016

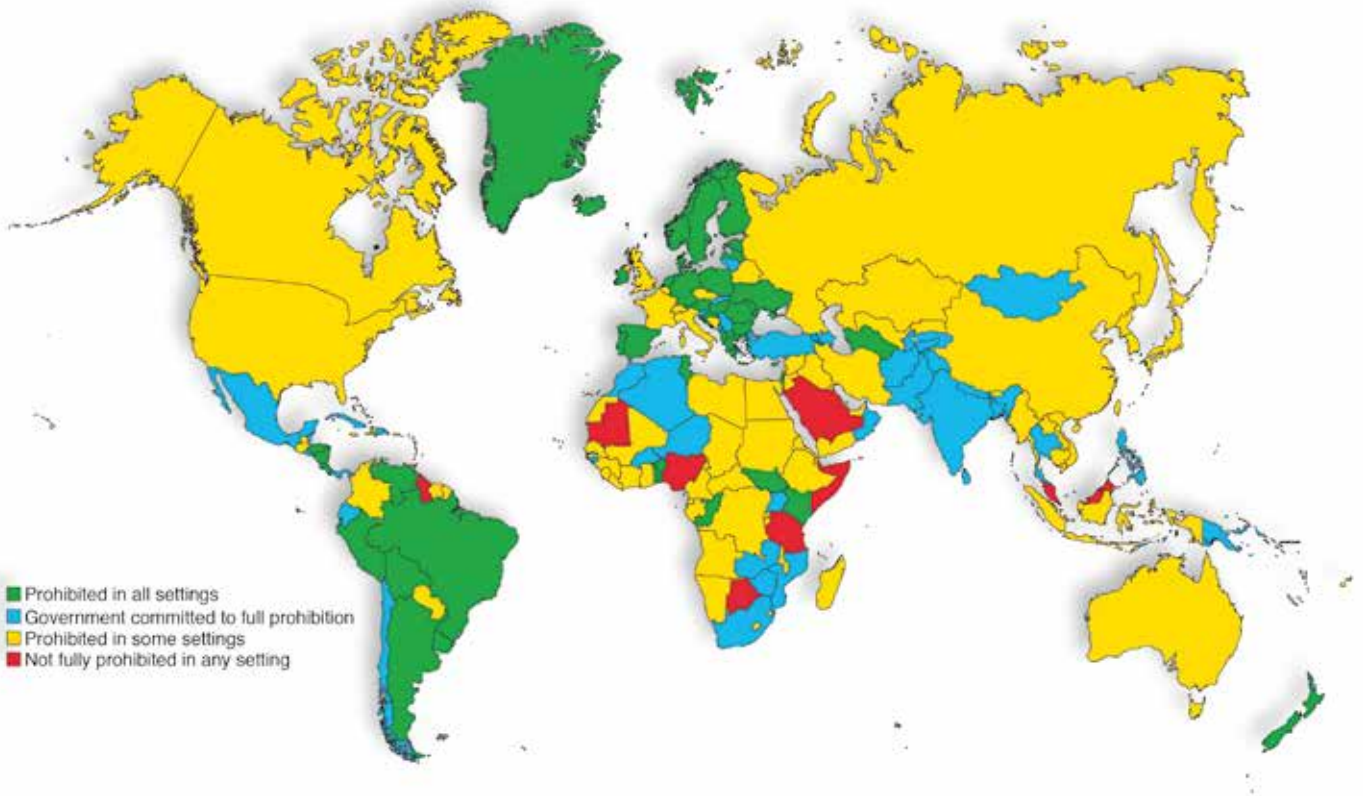
The following table sets out, for each of the 22 states to be reviewed at the High Level Political Forum on Sustainable Development in July 2016, the law reform necessary to prohibit corporal punishment in all settings and the latest information on prevalence as documented through UNICEF’s Multiple Indicator Cluster Surveys and other studies. An asterisk indicates that the state is committed to prohibiting all corporal punishment but this has not yet been achieved. Further detail on progress towards prohibition is included in the tables on pages 22-32 of this report. Full references for MICS data can be found at <http://mics.unicef.org> and for other research at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org), where a detailed review of research on the impact of prohibition on prevalence and attitudes is also available. For further information on UNICEF’s findings on violent “discipline” (physical punishment and/or psychological aggression) see [www.data.unicef.org/child-protection/violent-discipline.html](http://www.data.unicef.org/child-protection/violent-discipline.html).

State	Prohibition	Prevalence
China	<b>Not yet prohibited:</b> home, alternative care, day care	<b>MICS:</b> no data. <b>Other:</b> 53.7% of mothers of 3-15 year olds and 48.3% of fathers had physically punished their child in the past year (Wang & Liu, 2014); 48% of 7-10 year old girls and 60% of boys had experienced “mild” corporal punishment, 10% of girls and 15% of boys severe corporal punishment, in the past month (Lansford et al, 2010).
Colombia	<b>Not yet prohibited:</b> home, alternative care, day care, ?schools, ?penal system	<b>MICS:</b> no data. <b>Other:</b> 68% of 7-10 year old girls and 63% of boys had experienced “mild” corporal punishment, 15% of girls and 4% of boys severe corporal punishment, in the past month (Lansford et al, 2010).
Egypt	<b>Not yet prohibited:</b> home, alternative care, day care, ?schools	<b>DHS 2005:</b> 92% of 3-17 year olds were shouted, yelled or screamed at, hit or slapped on the body with a hand or hard object or hit or slapped on the face, head or ears in the past month. <b>Family Conditions Survey 2009:</b> 91% of 2-14 year olds violently disciplined in the past month, 82% physically punished, 42% severely physically punished. <b>DHS 2014:</b> 93% of 1-14 year olds violently disciplined in the past month, 78% physically punished, 43% severely physically punished. <b>MICS5 2013-14:</b> no data.
Estonia	<b>Full prohibition achieved: 2014</b>	<b>MICS:</b> no data.
Finland	<b>Full prohibition achieved: 1983</b>	<b>MICS:</b> no data. <b>Other:</b> 72% experienced “mild” violent punishment in 1988 cf 32% in 2008, 8% severe physical punishment in 1988 cf 4% in 2008 (Ellonen et al, 2008); proportion of 15-80 year olds slapped and beaten with an object during childhood decreased after 1983 (Österman et al, 2014).
France	<b>Not yet prohibited:</b> home, alternative care, day care	<b>MICS:</b> no data. <b>Other:</b> 96% of children were smacked, 30% punished with a “martinet” (small whip) (Union of Families in Europe, 2007).
Georgia*	<b>Not yet prohibited:</b> home, alternative care, day care	<b>MICS3 2005:</b> 67% of 2-14 year olds violently disciplined in the past month, 50% physically punished, 20% severely physically punished.
Germany	<b>Full prohibition achieved: 2000</b>	<b>MICS:</b> no data. <b>Other:</b> 58% of 16-40 year olds in 1992 had experienced “light” violence in childhood cf 36% in 2011; in 1992 26% had not been physically punished cf 52% in 2011 (Pfeiffer, 2012).
Madagascar	<b>Not yet prohibited:</b> home, alternative care, day care, penal institutions	<b>MICS4 2012:</b> 84% of 2-14 year olds violently disciplined in the past month, 64% physically punished, 20% severely physically punished (subnational data from four southern regions).

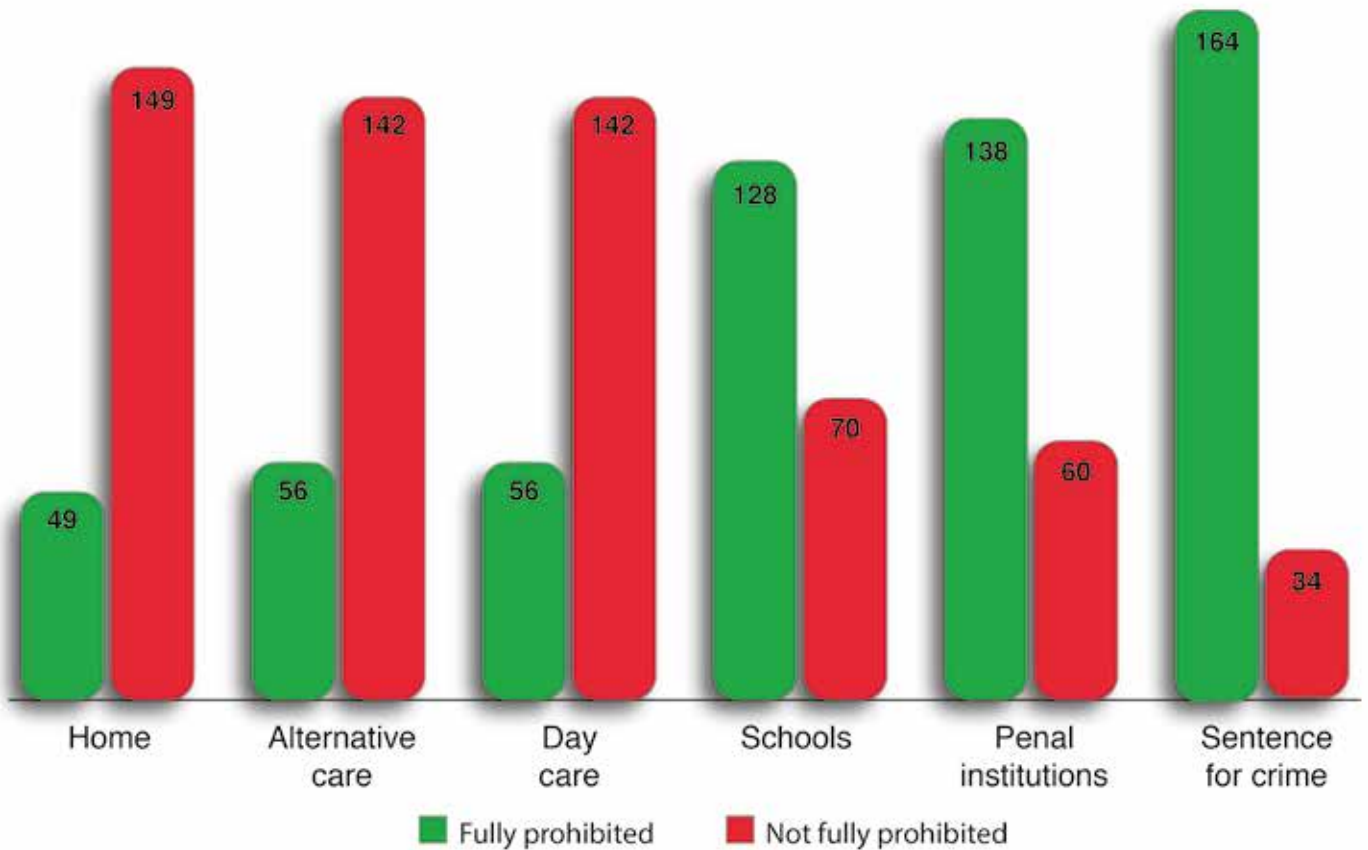


State	Prohibition	Prevalence
Mexico*	<b>Not yet prohibited:</b> home, alternative care, day care	<b>MICS5 2015:</b> data not yet available.
Monaco	<b>Not yet prohibited:</b> home, alternative care, day care	<b>MICS:</b> no data.
Montenegro*	<b>Not yet prohibited:</b> home, alternative care, day care	<b>MICS3 2005-06:</b> 63% of 2-14 year olds violently disciplined in the past month, 45% physically punished, 6% severely physically punished. <b>MICS5 2013:</b> 69% of 1-14 year olds violently disciplined in the past month, 31% physically punished, 2% severely physically punished; in Roma settlements, 64% of 1-14 year olds violently disciplined, 35% physically punished, 5% severely physically punished.
Norway	<b>Full prohibition achieved: 1987</b>	<b>MICS:</b> no data. <b>Other:</b> Research among adults found a decline in experience of corporal punishment and witnessing violence in the home since the 1970s, reported by 33% of 65-79 year olds cf 16% of 17-24 year olds (Holter et al, 2009).
Philippines*	<b>Not yet prohibited:</b> home	<b>MICS:</b> no data. <b>Other:</b> 71% of 7-10 year old girls and 77% of boys had experienced "mild" corporal punishment, 9% of girls and 8% of boys severe corporal punishment in the past month (Lansford et al, 2010); 61% of 12 year olds were physically punished at home (Sanapo & Nakamura, 2010).
Republic of Korea	<b>Not yet prohibited:</b> home, alternative care, day care, schools	<b>MICS:</b> no data.
Samoa*	<b>Not yet prohibited:</b> home, alternative care, day care, schools	<b>MICS:</b> no data. <b>Other:</b> 61% of adults said they "hit, smack, kick, pinch or dong children's heads or pull their ears" to "discipline and educate" the child (UNICEF & Ausaid, 2013).
Sierra Leone	<b>Not yet prohibited:</b> home, alternative care, day care, schools	<b>MICS3 2005-06:</b> 92% of 2-14 year olds violently disciplined in the past month, 79% physically punished, 24% severely physically punished. <b>MICS4 2010:</b> 82% of 2-14 year olds violently disciplined in the past month, 65% physically punished, 19% severely physically punished.
Switzerland	<b>Not yet prohibited:</b> home, alternative care	<b>MICS:</b> no data.
Togo	<b>Full prohibition achieved: 2007</b>	<b>MICS3 (2006):</b> 91% of 2-14 year olds violently disciplined in the past month, 76% physically punished, 26% severely physically punished <b>MICS4 (2010):</b> 93% of 2-14 year olds violently disciplined in the past month, 77% physically punished, 17% severely physically punished <b>DHS 2013-14:</b> 81% of 1-14 year olds violently disciplined in the past month, 56% physically punished, 11% severely physically punished
Turkey*	<b>Not yet prohibited:</b> home, alternative care, day care	<b>MICS:</b> no data.
Uganda*	<b>Not yet prohibited:</b> home, alternative care, day care	<b>MICS:</b> no data. <b>Other:</b> 33% of 5-17 year olds had been hit/spanked with an object in the past year, 27% hit/spanked with a hand, 22% pinched, had ears twisted or hair pulled (ANPCCAN & Makerere University, 2013).
Venezuela	<b>Full prohibition achieved: 2007</b>	<b>MICS:</b> no data.

## Progress towards universal prohibition of corporal punishment



## Number of states worldwide prohibiting corporal punishment



# The 2030 Agenda – an additional context for speeding progress

On 25-27 September 2015, world leaders adopted the 2030 Agenda for Sustainable Development and committed to working for the full implementation of the 17 goals and 169 targets falling under them by 2030. In target 16.2 of the Agenda, states have committed to work to “End abuse, exploitation, trafficking and all forms of violence against and torture of children”.

The indicators which will be used to monitor progress towards the targets were proposed by the Inter-Agency Expert Group on SDG Indicators (IAEG-SDGs) and adopted by the UN Statistical Commission in March 2016. Three indicators were adopted by the Statistical Commission under target 16.2, indicator 16.2.1: “Percentage of children aged 1-17 who experienced any physical punishment and/or psychological aggression by caregivers in the past month.”

*“To achieve the world free from fear and violence to which we all aspire, we must build societies in which violent punishment is not legally or socially tolerated. The acceptance by states of SDG target 16.2 on ending all forms of violence against children is a breakthrough; fulfilling it is fundamental to the achievement of other SDG targets on health, education, violence against women and equality...”*

Paulo Sérgio Pinheiro, The Independent Expert who led the UN Secretary General’s Study on Violence against Children

In adopting this indicator, the IAEG-SDGs and Statistical Commission, as well as UNICEF and the many major INGOs which support it, have signalled their recognition of the centrality of ending corporal punishment for ending all violence against children. Ending violent punishment is fundamental to creating peaceful, non-violent and rights-respecting societies, as goal 16 of the Sustainable Development Goals envisions, and is key to achieving other Sustainable Development Goals. Prohibition of violent punishment in law is the essential foundation for reducing its use. Once law reform has been achieved, states must move to implement the prohibition, including through society-wide measures to raise awareness of the new law and children’s right to protection (see “From prohibition to elimination”, pages 18-19). The process of transforming society’s view of children, to seeing them as full holders of human rights and ensuring they cannot be hit and hurt in the guise of “discipline”, will take time. Speedy reform of national legislation to prohibit all corporal punishment of children is critical – if states are to achieve substantial reductions in the prevalence of violent punishment as measured by the indicator by 2030, they must begin the process NOW!

## Global Partnership and Fund to End Violence Against Children

The Global Partnership and associated Fund to End Violence Against Children, based on a commitment to the rights of children, aims to turn the belief that no violence against children is justifiable and all violence is preventable into a compelling agenda for action. The Global Partnership is being launched during the first High Level Political Forum for the 2030 Sustainable Development Agenda in New York in July 2016.

The new Partnership offers the opportunity for everyone who believes in ending violence against children to come together, combine their efforts and maximise their impact. The aim is to provide a context for governments, international organisations, NGOs and civil society, academia, the private sector and children themselves to work collectively to end violence against children.

[www.end-violence.org](http://www.end-violence.org)



endviolence

global partnership to end violence against children

## Tracking the prevalence of violent punishment worldwide

Indicator 16.2.1 will use data collected through UNICEF's Multiple Indicator Cluster Surveys (MICS), currently available on violent punishment of children for more than 60 states worldwide. The data already available indicates the huge scale of violent punishment of children. A major UNICEF report published in 2014 which used data from 62 countries highlighted that violent "discipline" is the most common form of violence against children. *Hidden in Plain Sight: A statistical analysis of violence against children*, which used data from surveys carried out in 2005-2013, revealed that on average about four in five children aged 2-14 had been violently "disciplined" (by physical punishment and/or psychological aggression) at home on a regular basis, ranging from a "low" of 45% to the highest, 95%. For 17% of children – in some countries more than 40% of children – the physical punishment was severe (being hit on the head, face or ears or hit hard and repeatedly).

## Ending violent punishment – a cross-cutting aim for the 2030 Agenda

Prohibiting and eliminating violent punishment is crucial not only for target 16.2 but also for other SDG targets:

- **Health (target 3.d):** There is overwhelming evidence that violent punishment has a negative impact on the physical and mental health of children and adults: prohibiting violent punishment is an essential public health measure. On the basis of this evidence, nine major international health professionals' organisations have issued a statement calling on all governments to work for the prohibition and elimination of all corporal punishment (the statement is available at <http://tinyurl.com/GIHealthStatement>).
- **Education (target 4.a):** Violent punishment in schools and other education settings violates children's right to education, including by creating a violent and intimidating environment in which children are less able to learn and by discouraging children from attending school. Prohibiting corporal punishment is vital to creating safe, non-violent, inclusive and effective schools for all children. It can only be achieved through law reform – policy and ministerial advice against corporal punishment is not enough. This reform is still to be achieved in almost a third of all states.
- **Violence against women and girls (target 5.2):** Violent punishment is the most common form of violence against girls. It is used to control and regulate girls' behaviour, including their social and sexual behaviour, and to encourage deference, submission and timidity. Violent punishment of children is closely linked to violence against women, including intimate partner violence: the two kinds of violence often coexist and experience of violent punishment as a child is associated with an increased risk of involvement in intimate partner violence as an adult, as perpetrator and/or victim. Prohibiting violent punishment contributes to eliminating violence against girls and women both directly, in reducing violence against girls, and indirectly, in reducing gender-based violence across the whole of society. Development and reform of domestic violence and family protection legislation MUST include prohibition of corporal punishment of children in the home.
- **Eliminating discrimination (target 10.3):** A legal system which allows children to be lawfully assaulted in the name of "discipline" while protecting adults from violent assault is inherently discriminatory. Prohibiting violent punishment is not only essential to ending violence against children; it is also crucial in raising children's status in society, promoting a view of them as holders of human rights and in turn contributing to ending all violations of their rights. A staggering 100+ states still have legal defences for the use of corporal punishment in written law in the form of a "right to punish", a "right of correction", provision for "moderate" or "reasonable" chastisement/punishment, authority to use "force for purposes of correction", etc; many others have defences in common/case law. These defences MUST be explicitly repealed through law reform.

*"... There is no ambiguity: 'All forms of physical or mental violence' does not leave room for any level of legalised violence against children. Corporal punishment and other cruel or degrading forms of punishment are forms of violence and the State must take all appropriate legislative, administrative, social and educational measures to eliminate them."*

UN Committee on the Rights of the Child, General Comment No. 8, 2006

## High Time to end violence against children

High Time to end violence against children is an initiative launched by the Special Representative of the UN Secretary General on Violence against Children in March 2016. Focussed on the 2030 Agenda for Sustainable Development and its target 16.2 (see page 9), High Time is an innovative talent and time-raising initiative aiming to stimulate and support visible and concrete efforts to achieve the target of ending all forms of violence against children by 2030.

[www.endviolenceagainstchildren.org](http://www.endviolenceagainstchildren.org)



## Promoting prohibition of violent punishment in the context of development aid

States that have achieved prohibition of all corporal punishment are well placed to support universal prohibition in a variety of ways. The process of negotiating and granting development aid – in particular regarding school and health systems – is one context in which prohibition and elimination of corporal punishment should be legitimately and urgently pursued.

Promoting prohibition of violent punishment is a logical pursuit for donor states which have themselves achieved a full ban, in order to address the incompatibility with a rights-based approach of financially supporting, for example, health systems in countries where corporal punishment in the home and other settings is not being challenged. The same principle applies to states that have prohibited school corporal punishment and financially support school systems in other states where children are still subjected to lawful violence in the guise of “discipline”. It is wrong and inefficient to facilitate the perpetuation of a legal bias that puts the health and safety of children in danger.

While the effects of violence in families and society are felt by all, violence has been seen to disproportionately affect the development of low- and middle-income countries by slowing economic growth, undermining personal and collective security, and impeding social development. Donors therefore have an additional major stake in preventing violence – including this most common form, violent punishment of children – to ensure their investments are not undermined by the economic and social costs of violence.

*“... human rights are not subservient to other concerns, and are not something to be addressed only once other development benchmarks have been attained.”*

Ban Ki-Moon, Secretary General of the United Nations, 2016

## The harmful effects of corporal punishment

Violent punishment in childhood is associated with a variety of negative health, developmental and behavioural outcomes. As well as causing physical harm, corporal punishment has been linked to poor mental health, poor cognitive development, poor moral internalisation, increased aggression and antisocial behaviour; it can also damage the parent-child relationship. The negative effects of corporal punishment can persist into adulthood: corporal punishment in childhood is associated with adult perpetration of violent, antisocial and criminal behaviour, and approval and use of corporal punishment on their own children. Prohibition of corporal punishment, effectively implemented, has the potential to significantly reduce the prevalence of corporal punishment and in turn reduce its negative impact on society.

For full details and references, see “Corporal punishment of children: review of research on its impact and associations”, at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)

# How states can work collaboratively to achieve the prohibition of violent punishment of children

Promote the rights-based case for prohibition: that all children have the rights to full respect for their human dignity and physical integrity and to equal protection under the law. Highlight the injustice, danger and inhumanity of laws which provide children with less protection from interpersonal violence than adults

- More than 100 states and territories have legal defences for corporal punishment of children in their written laws and many others have confirmed legal defences in common or case law, meaning that children have substantially weaker legal protection from assault than adults – prohibiting corporal punishment achieves equal protection for children

“Transforming our world: the 2030 Agenda for Sustainable Development” demands that states foster “peaceful, just and inclusive societies which are free from fear and violence”: a particular foundation for this is the universal prohibition and elimination of all violent punishment of children. States should work together to ensure this fundamental issue is visible and explicitly pursued in the global, regional and national monitoring of target 16.2 on ending violence against children

- Indicator 16.2.1 adopted by the Statistical Commission is “Percentage of children aged 1-17 who experienced any physical punishment and/or psychological aggression by caregivers in the past month” – fulfilment requires a firm legal foundation which prohibits all corporal punishment in the home and other settings
- Prohibition of violent punishment is necessary in the fulfilment of other targets, including those on health, education, violence against women and girls and elimination of discrimination (see page 10)
- The Global Initiative has mapped the legality of corporal punishment in all settings in all states and territories worldwide and tracks progress towards universal prohibition (see pages 22-32 and [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)); UNICEF’s MICS research monitors the prevalence of violent punishment (see pages 6-7 and [www.unicef.org/statistics/](http://www.unicef.org/statistics/))

In the context of development aid supporting school and health systems, donor states that have fully prohibited corporal punishment of children are well placed to emphasise the impact on children’s health and education rights of the persisting legality of corporal punishment in their homes and schools: in the process of negotiating and granting aid they can urge partner countries to achieve immediate prohibition and work systematically towards elimination. States must recognise, for example, the injustice and dangers of financially supporting school systems in which corporal punishment is still authorised

- Since 2006, 37 states and territories have enacted laws which prohibit corporal punishment in schools, but in many states laws have been adopted which are silent on the issue or even authorise or provide a legal defence for corporal punishment in education settings

Raise the issue in the Universal Periodic Review through questions and recommendations addressed systematically to states which have not achieved full prohibition

- The UPR is a proven context for enabling states to commit to prohibiting all corporal punishment and seeing this through to law reform. To date (May 2016), 21 states have asked advance questions to states under review concerning fulfilment of their obligation to prohibit all corporal punishment of children, including the home; working group members from 76 states have made recommendations on corporal punishment to states under review

# oratively towards universal ment of children

In negotiating UN General Assembly and Human Rights Council resolutions on the rights of the child, states should now work together to include explicit commitment to prohibition of corporal punishment of children in the home and all settings of their lives, given that a majority of states have either achieved or committed to prohibition

- UN General Assembly and Human Rights Council resolutions have not as yet recommended prohibition of all corporal punishment of children. Back in 2005, GA resolution 60/231 on the rights of the child urged states to “take measures to eliminate the use of corporal punishment in schools”; this was reflected in subsequent HRC resolutions, and these have also called for an end to sentences of corporal punishment for children (for example, HRC resolution 22/32 (2013))

Work within regional intergovernmental organisations to encourage explicit commitments and campaigns against violent punishment and highlight the urgency of the issue for children

- Regional intergovernmental organisations are increasingly speaking out against corporal punishment of children and promoting its prohibition and elimination among their member states, through campaigns, roadmaps and other initiatives (see page 15)

Ensure that international, regional and national moves to challenge domestic/family violence logically include advocacy to prohibit and eliminate violence – including corporal punishment – towards children in the family

- More than 50 states have enacted domestic violence / family protection laws since 2006 – more than 20 in the last five years – but failed to include explicit prohibition of corporal punishment of children

Advocate the importance of prohibiting and eliminating corporal punishment from a variety of perspectives including gender and disability; also health and public health, early years care and development, schooling without violence

Support wide global dissemination of key documents and recommendations, including the Committee on the Rights of the Child’s General Comment No. 8 (2006) on *The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment*

Disseminate regionally and internationally research demonstrating the scale and the harmful impact of corporal punishment and the positive impact of prohibiting and eliminating it

Consider offering technical assistance and support with prohibition and elimination through embassies and other representations

Plan and put into practice government-led, public education measures to progress from prohibition to elimination of all corporal punishment of children: evaluate and promote effective models of campaigns for use in states where there is still strong social approval of corporal punishment

# Taking human rights seriously

Promoting and adhering to the rule of law is a core value of modern societies: laws are enacted with the expectation that those to whom they are applicable comply with them. It is the same with international law: when states ratify human rights treaties, they incur obligations to comply with them. Under the UN Convention on the Rights of the Child, those obligations include law reform to prohibit all corporal punishment of children in all settings, including the home. And there is consensus that a similar obligation is incurred under other international and regional human rights treaties. With all UN member states but one having ratified the Convention on the Rights of the Child, and with that state – USA – having ratified other relevant treaties, there is no state or territory in the world that should not be intent on prohibiting and eliminating all violent punishment of children.

Between 2006, when the UN Study on Violence against Children formally recommended prohibition of all corporal punishment as a matter of priority, and 2016 when states worldwide agreed to the target of ending all violence against children under the 2030 Agenda, international and regional human rights bodies have increased pressure on governments to reform their laws to prohibit corporal punishment in all settings.

For the Committee on the Rights of the Child, monitoring implementation of the Convention on the Rights of the Child, this has been a continuation of its systematic pursuit of the issue since its first examination of states following adoption of the Convention in 1989. The monitoring bodies of other treaties have paid increasing attention to ending violent punishment of children, with the issue being raised and/or recommendations being made in examinations of states by the Committee Against Torture, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination Against Women and the Committee on the Rights of Persons with Disabilities.

Regional bodies – the European Committee of Social Rights, the Inter-American Commission on Human Rights and the African Committee of Experts on the Rights and Welfare of the Child – also systematically remind states that they must prohibit corporal punishment, including in the home.

The introduction of the Universal Periodic Reviews of states' overall human rights records in the Human Rights Council in 2008 marked a step change in holding governments to account for their progress – or lack of – in fulfilling their obligation to prohibit all corporal punishment.



## Increasing human rights pressure

By the end of 2005, the Committee on the Rights of the Child had made recommendations on corporal punishment to 163 states; by May 2016, 189 states had received such recommendations; of states which have not yet prohibited all corporal punishment, 45 have received recommendations from the Committee three or more times. Around 120 states have received recommendations on the issue from other UN treaty bodies.

Since the first session of the first cycle of reviews in 2008, the UPR has paid attention to states' obligation to prohibit all corporal punishment of children including in the home. Now over 130 states have received recommendations to prohibit (accepted by 79; rejected by only a small minority): 64 are still to achieve the necessary reform.



# Regional commitments and action

The **African Committee of Experts on the Rights and Welfare of the Child** systematically raises the issue of prohibition of corporal punishment in its examination of states' compliance with the African Charter on the Rights and Welfare of the Child and makes recommendations to states to ensure corporal punishment is prohibited in all settings, including the home.

The **European Committee of Social Rights**, monitoring implementation of the European Social Charter and Revised Social Charter, routinely examines states on their progress towards prohibition of corporal punishment and has examined the issue under its

"collective complaints" procedure. In 2008, the **Council of Europe** launched its campaign for abolition of corporal punishment in all 47 member states ([www.coe.int/en/web/children/corporal-punishment](http://www.coe.int/en/web/children/corporal-punishment)) and continues to promote it strongly. The Council's new **2016-2021 Strategy for the Rights of the Child** identifies "A life free from violence for all children" as a priority area and includes "Eliminating corporal punishment". The **European Parliament's** resolution of 27 November 2014 on the 25th anniversary of the UN Convention on the Rights of the Child (2014/2919(RSP)) calls on all member states "to uphold their obligations and combat any form of violence against children, including by formally prohibiting and sanctioning corporal punishment against children" (para. 28).

The **South Asia Initiative to End Violence Against Children**, an Apex Body of the South Asian Association for Regional Cooperation (SAARC), runs the "Equal Protection for Children" campaign ([www.saievac.org/cp](http://www.saievac.org/cp)), launched in 2012 to promote prohibition of corporal punishment in all settings in all eight South Asian states. The **ASEAN Regional Plan of Action on the Elimination of Violence against Children**, adopted in 2015, includes a focus on law reform to prohibit all forms of violence against children in all settings, including corporal punishment.

In the Unified Resolution of the **21st Pan-American Child and Adolescent Congress**, "Childhood and adolescence: Building peaceful environments" adopted in 2014, the Congress resolved to encourage the development of plans, projects and programmes "to prevent, combat, and eliminate violence against children, including that related to corporal punishments in all environments (family,

*"The [European Committee of Social Rights] notes that there is now a wide consensus at both the European and international level among human rights bodies that the corporal punishment of children should be expressly and comprehensively prohibited in law. The Committee refers in particular in this respect to the General Comment Nos. 8 and 13 of the Committee on the Rights of the Child."*

Association for the Protection of All Children (APPROACH) Ltd v France, Collective Complaint No. 92/2013, Decision on the merits 4 March 2015

*"States in the Caribbean are urged to explicitly prohibit corporal punishment in all settings. This legal prohibition will send a clear message that all forms of violence against children and adolescents are inadmissible. The explicit prohibition on physical and humiliating punishment is essential, as is the repeal of defences currently included in legislation, including the term 'moderate' or 'reasonable' ..."*

Roadmap to protect children against all forms of violence in the Caribbean, 2012

education system, and institutions dedicated to providing attention and care)" in all member states of the Organisation of American States. **Roadmaps** adopted at high-level meetings in 2011 and 2012 following up the UN Study on Violence against Children supported by the Office of the UN Secretary General's Special Representative on Violence against Children, the Inter-American Children's Institute, the Global Movement for Children in Latin America and the Caribbean, intergovernmental organisations and national governments, emphasise the importance of prohibiting corporal punishment throughout Latin America and the Caribbean.

# Using opportunities to prohibit

Laws in virtually all states and territories are being revised and reformed, often with the express aim of harmonising them with international human rights standards. When these laws are relevant to children – including laws on the family, education and juvenile justice – they provide immediate opportunities for introducing and enacting legal prohibition of all corporal punishment. At the time of writing there are immediate opportunities for prohibiting corporal punishment in at least 125 states; for an up-to-date list of current opportunities, see “Reforming national laws to prohibit corporal punishment” at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org).

Prohibition can be achieved by amending existing legislation or enacting new laws or a combination of both. The key questions that must be answered in drafting the prohibiting law(s) are: (1) will this new law, once enacted, send a clear message that all forms of corporal punishment are prohibited and that there are no exceptions, and (2) does this new law ensure there are no legal loopholes which could be used by those seeking to justify or defend some level of violent punishment of children? The answer should be YES to both questions!

**Ensuring the law sends a clear message** means, for example, avoiding so called “compromise” laws – where some but not all corporal punishment is prohibited, or where some but not all children are protected. It means avoiding prohibiting only corporal punishment considered to be harmful or injurious – because in spite of evidence to the contrary it is not uncommon for people to argue that some corporal punishment is not harmful or injurious (or is not abusive or not violent, etc). It means understanding that prohibition of “physical violence” or “all forms of violence” or “physical abuse” or “cruel punishment” etc will not be understood as including all corporal punishment: because of the deep-rooted and widespread acceptance of physical punishment of children, it is rarely perceived as violent or abusive unless it reaches some level of severity. In 2006, the Committee on the Rights of the Child adopted a definition of corporal punishment which is the standard point of reference (see box): regardless of whether or not national legislation formally includes a definition of corporal punishment, its effect must be to prohibit all corporal punishment as defined by the Committee.

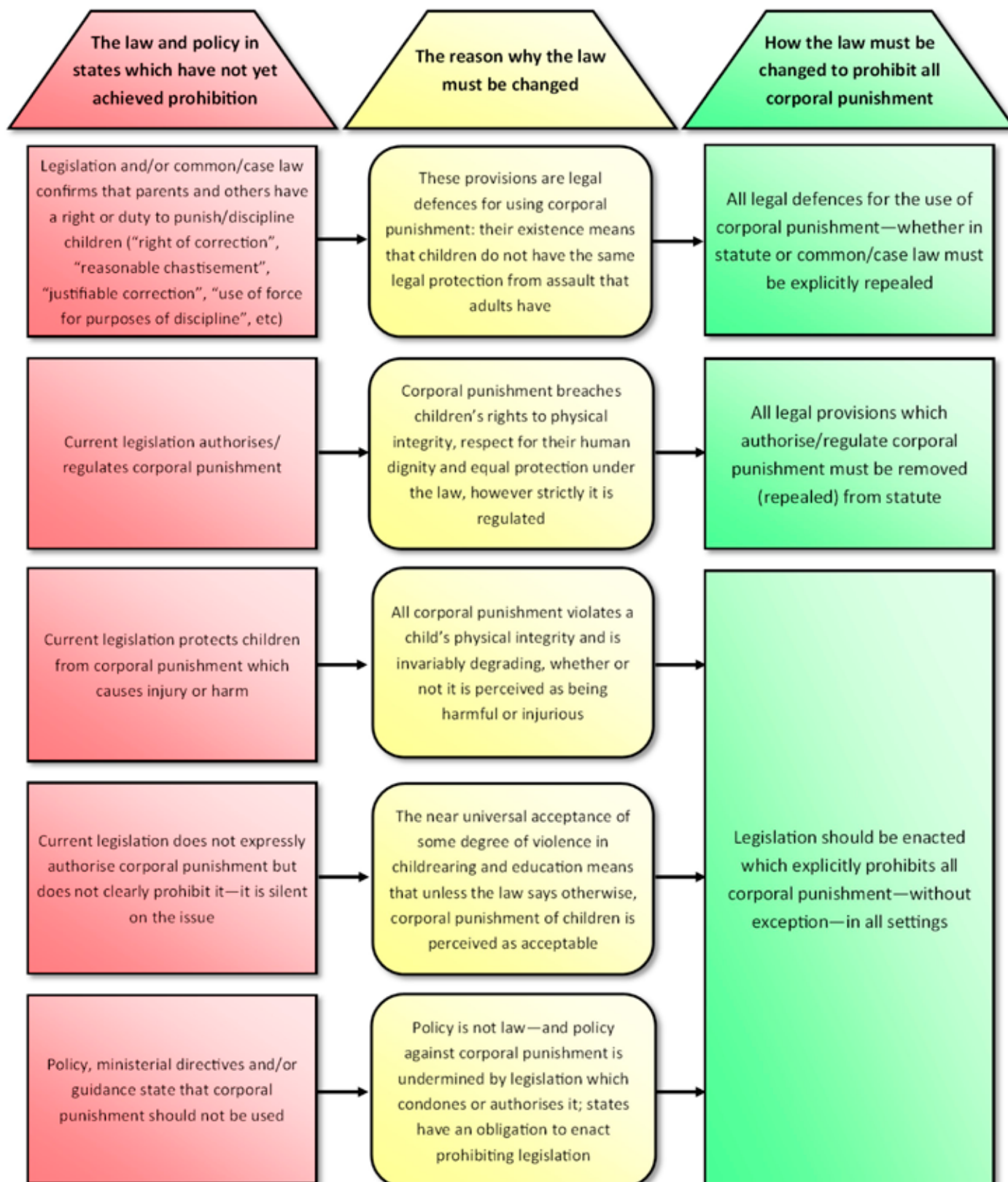
**Leaving no legal loopholes** means repealing all laws which authorise or regulate corporal punishment, for example in schools, care institutions and the criminal justice system, and explicitly repealing all provisions – whether in written law or only in common or case law – that constitute a defence to charges of assault or cruelty in cases of corporal punishment. The importance of the latter cannot be overstated. When laws provide for – and when courts have recognised – a “right to discipline”, a “right of correction”, a “right to administer reasonable punishment”, a right of “reasonable chastisement” and so on, they have done so specifically to ensure that violence against children imposed in the guise of “discipline” does not amount to criminal assault, even though it would be considered as such if the victim was an adult. This is hugely symbolic of children’s low status in society – and rectifying this by repealing legal defences is perhaps the most potent symbol of a state’s recognition of children as fully human and as holders of human rights.

## Defining corporal punishment

*“The Committee defines ‘corporal’ or ‘physical’ punishment as any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting (‘smacking’, ‘slapping’, ‘spanking’) children, with the hand or with an implement – a whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion (for example, washing children’s mouths out with soap or forcing them to swallow hot spices). In the view of the Committee, corporal punishment is invariably degrading. In addition, there are other non-physical forms of punishment that are also cruel and degrading and thus incompatible with the Convention. These include, for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child.”*

Committee on the Rights of the Child, General Comment No. 8, 2006

## How to prohibit all corporal punishment of children



# From prohibition to elimination

The ultimate goal of state action to fulfil children’s right to protection from corporal punishment and other cruel or degrading treatment or punishment is to ensure that no child ever experiences it, by eliminating its use completely. Achieving prohibition in law sends a clear message that hitting and hurting a child, for whatever reason, is wrong, just as hitting and hurting adults is wrong; when the law is breached it can be enforced appropriately, according to the circumstances of the case.

But implementing the law is not primarily about responding to adults who violently punish children. It is also about transforming attitudes and practice so that physical punishment is no longer seen as acceptable in childrearing and education. It is about working towards a society where no assault on a child, however light, can ever be thought of as “reasonable”.

Preliminary list of measures needed to accompany or follow prohibition	Possible contact points for communication of key messages
<ul style="list-style-type: none"> <li>• Wide dissemination and explanation of the law and its implications</li> <li>• Detailed guidance, for all involved, on how the law prohibiting violent punishment should be implemented in the best interests of children</li> <li>• Communication of children’s right to protection from corporal punishment and all other cruel or degrading forms of punishment to children and adults</li> <li>• Dissemination of information on the dangers of corporal punishment</li> <li>• Promotion of positive, non-violent forms of discipline to the public, children, parents, other carers, teachers, etc</li> <li>• Integration of implementation/enforcement of the prohibition into the national and local child protection systems</li> <li>• Identification of key public figures and a wide range of partners who can support implementation of the law and transformation of attitudes</li> <li>• Attraction of necessary resources</li> <li>• Evaluation of the impact of law reform and other measures, through a baseline survey and regular follow-up surveys, interviewing children and parents</li> </ul>	<ul style="list-style-type: none"> <li>• Birth registration</li> <li>• Pre- and post-natal services</li> <li>• All other health service and health practitioner contacts with parents, future parents and children</li> <li>• Pre-school entry, school entry, school curriculum and informal educational settings</li> <li>• Social and welfare services in contact with children (including children in all non-family settings) and with families</li> <li>• Initial and in-service training of all those working with and for families and children, including teachers, care workers, etc</li> <li>• Elements of civil society in contact with children and families, including religious/faith groups</li> <li>• Mass media, internet, social networking, etc</li> </ul>

A national plan should be developed by the government with other potentially active partners on how to progress from prohibition to elimination. This could be a distinct plan or an integral element in a national plan to eliminate all forms of violence against children. A review is likely to be needed, covering:

- what action there has been – including development of programmes and materials – challenging corporal punishment in the home and family, local community, schools and other institutions, all forms of alternative care and day care, child labour and penal systems for children
- the structures of all relevant national and local services impacting on children and families which could be used as a communications vehicle to support the move away from violent punishment
- available research on the prevalence of and attitudes towards violent punishment of children.

## Research on the positive impact of prohibition

Progress towards universal prohibition of all corporal punishment is fast accelerating – a quarter of UN member states have now prohibited corporal punishment in all settings, including the home. Although research comparing the prevalence of and attitudes towards corporal punishment before and after law reform is available in only a handful of these states, the evidence of changes in attitudes and practice is strong (in some, no research has directly asked children about their experiences; in others, differences in questions or samples used in studies carried out before and after prohibition make strict comparison between data difficult).

There has been a consistent decline in adult approval and use of physical punishment in **Sweden** since prohibition was achieved in 1979: around half of children were smacked regularly in the 1970s; this fell to around a third in the 1980s, and a few per cent after 2000. **Finland** achieved prohibition in 1983 and saw a decline in adult acceptance of corporal punishment from 47% in 1981 to 15% in 2014. In **Germany**, 30% of young people reported in 1992 that they had been “thrashed”; in 2002, two years after prohibition, this figure was 3%. In **Austria**, prohibition was achieved in 1989; approval for the statement “a little slap now and again never harmed a child” dropped dramatically from 85% in 1977 to 16% in 2014. In **New Zealand**, where prohibition was achieved in 2007, the rate of approval of corporal punishment dropped from more than 90% in 1981 to 40% in 2013. Prohibition was achieved in **Poland** in 2010; approval of corporal punishment fell by 18% from 2008 to 2013. **Romania** achieved full prohibition in 2004; the number of children hit by their parents with a hand without leaving a mark fell by 22% between 2001 and 2012.

For more information and full references, see “The positive impact of prohibition of corporal punishment on children’s lives: messages from research”, at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org).

### Research on implementation of prohibition

In order to promote our aim of universal prohibition and elimination of all corporal punishment, the Global Initiative is collecting information on how the ban on corporal punishment has been implemented to date in all prohibiting states, and on its impact.

As part of this research, questionnaires and related materials have been developed and sent to government officials and others working on implementation of the ban at national level. The outcomes for each state will form a new “From prohibition to elimination” section of our website. The outcomes will also be published in a report which will be widely disseminated among governments and other key influencers and made freely available at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org). For further details and to contribute to this research, email [triona@endcorporalpunishment.org](mailto:triona@endcorporalpunishment.org).



# Growing faith-based support for prohibition



The year 2016 marks the 10th anniversary of “A Multi-religious Commitment to End Violence against Children” (the Kyoto Declaration), developed at a global consultation of religious leaders and experts convened by Religions for Peace and UNICEF in Toledo, Spain, in 2006 and ratified by over 800 religious leaders at the 8th World Assembly of Religions for Peace in Kyoto, Japan, later that year. The Declaration continues to be a guide and resource for religious communities working towards prohibition and elimination of corporal punishment of children. It has assumed added relevance for religious leaders working cooperatively with others on the Sustainable Development Agenda 2030 to “foster just and inclusive societies which are free from fear and violence”.

*“We call upon our governments to adopt legislation to prohibit all forms of violence against children, including corporal punishment, and to ensure the full rights of children, consistent with the Convention on the Rights of the Child and other international and regional agreements.... Our religious communities are ready to serve as monitors of implementation, making use of national and international bodies to maintain accountability.” (Kyoto Declaration, article 6)*

There is strong consensus across religious traditions about the inherent dignity of every child and a growing movement of religious leaders, along with their organisations and communities, are committed to advocacy and action to prohibit all corporal punishment of children.

## What religious communities can do towards ending corporal punishment of children

- Model and promote positive, non-violent parenting
- Promote the meaning of “discipline” as teaching and guidance, not as physical punishment; offer support and resources for parents
- Speak out about the harmful effects of corporal punishment
- Explain why the legality and practice of corporal punishment is incompatible with universal religious values of compassion, equality, justice, equity and non-violence
- Place children at the heart of the community. Enable the meaningful participation of children and make provision for their voices and opinions to be heard
- Ensure religious texts, scriptures, teachings and traditional ceremonies and practices are used to promote respect for children – not to condone or perpetrate violence against children
- Hold vigils and events dedicated to ending legalised violence against children
- Use opportunities in the life of the religious community such as marriage preparation and the birth of a baby, to promote prohibition of corporal punishment
- Link the issue of corporal punishment and the urgent need to prohibit it with campaigns to end violence against women and girls
- Identify child protection risks in the religious community; ensure accountability and reporting mechanisms are in place
- Ensure child protection and safeguarding policies explicitly denounce corporal punishment
- Encourage the religious community to actively support law reform at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)
- Work with others, including governments, NGOs and interfaith councils towards prohibition and elimination of all corporal punishment of children

For further information and resources, see [www.churchesfornon-violence.org](http://www.churchesfornon-violence.org).

## Multi-religious commitment and action towards corporal punishment

Supported by UNICEF and in collaboration with the Iranian Judiciary and Centre for Human Rights Studies at Mofid University, 100 religious leaders met in Qom, Iran, in 2011 to discuss “The Role of Religions and Religious Leaders in Confronting Corporal Punishment of Children in Family and Educational Settings”. An outcome declaration urges all religious leaders and their followers “to make efforts, based on religious teachings ... to confront violence against children, particularly violence in the form of corporal punishment in the home and educational settings”.

On 19 November 2015 the Global Network of Religions for Children and the NGO Coalition for Children in the Dominican Republic marked the 26th anniversary of the UN Convention on the Rights of the Child and the World Day of Prayer and Action for Children with an interfaith breakfast in Santa Domingo to engage with religious and spiritual leaders. The event concluded with a declaration by religious and spiritual leaders:

*“We reject all forms of violence against children and adolescents, including corporal punishment, and commit to taking the lead in working with other sectors of society, communities, religious networks, NGOs, government agencies and the Congress to ban corporal punishment of children in all settings.”*

In May 2015 a Pacific Islands Countries conference organised by UNICEF in Nadi, Fiji, called for violence against children to be brought out of the shadows. Reporting on the conference in the *Fiji Times*, President Ratu Epeli Nailatikau referred to the Old Testament Book of Proverbs, 13:24 – “Whoever spares the rod hates their children, but the one who loves their children is careful to discipline them” – which is often used to justify corporal punishment, and called for a transformation in the Christian perspective on violence against children. He contrasted the quote from Proverbs with the New Testament passage Mark 10:13-16, in which Jesus affirms that the Kingdom is child-centred and “offers the possibility for a paradigm shift in the understanding of loving our children”:

*“The children of the Pacific cannot wait to be free of violence, wherever they are. We may have limited resources and competing concerns – but if we are to protect our beautiful children, then this must be a priority.”*

In response to a 2015 report of the South African Human Rights Commission (SAHRC) which called for amendments to the Children’s Act to ban corporal punishment in the home, President of the South African Hindu Sabha (the national body for Hindus in South Africa) Ashwin Trikamjee expressed his support:

*“Corporal punishment in the home is another form of abuse. Our scriptures in no way promote corporal punishment or any form of violence.”*

*“Today more than ever before we need to stand up against violence in our society and teach our children a better way of life. Legislation to remove the defence of ‘reasonable punishment’ is crucial because it reflects the compassionate, non-violent society we want for all children. Physical punishment has for too long been a common part of our culture.... While the law sends the message that it is defensible to hit a child, children will continue to be hit.... So just as it is unacceptable to hit another adult so it should be unacceptable to smack a child – more so, in fact, because a child is more vulnerable.”*

Dr Barry Morgan, Archbishop of Wales (UK), supporting the campaign to prohibit corporal punishment of children, November 2015

# Tables of legality of corporal punishment in states worldwide

## States prohibiting corporal punishment in all settings

Prohibition of corporal punishment has historically been piecemeal, being achieved in the penal system first, gradually extended to other settings and, finally, the home. This in part reflects how societies have inched towards appreciating children as holders of human rights, but from children's perspective there is no justification. The following table lists for each state where corporal punishment is now unlawful in all settings the legislation that eventually extended prohibition to the home; in some, further reform has confirmed or reiterated the prohibition as necessary. We hope future prohibiting legislation will comprehensively address all the settings of children's lives.

Date full prohibition achieved	State	Prohibiting law
2016	Mongolia	Law on the Rights of Children 2016 and Law on Child Protection 2016
2015	Peru	Law prohibiting physical and other humiliating punishment against children and adolescents 2015
2015	Ireland	Offences Against the Person (Non Fatal) Act 1997 amended
2015	Benin	Children's Code 2015
2014	Malta	Criminal Code amended
2014	Brazil	Children and Adolescents Code 1990 amended
2014	Bolivia	Children and Adolescents Code 2014
2014	Argentina	Civil and Commercial Code 2014
2014	San Marino	Penal Code and Law of 26 April 1986 No. 49 on Family Law Reform amended
2014	Nicaragua	Family Code 2014
2014	Estonia	Child Protection Act 2014
2014	Andorra	Criminal Code 2005 amended
2013	TFYR Macedonia	Law on Child Protection 2013
2013	Honduras	Family Code and Civil Code amended
2013	Cabo Verde	Law on Children and Adolescents 2013
2011	South Sudan	Transitional Constitution 2011 <i>Prohibition confirmed pre-independence prohibition in Interim Constitution 2005 and Child Act 2008</i>
2010	Poland	Family and Guardianship Code 1964 amended
2010	Tunisia	Penal Code amended
2010	Kenya	Constitution 2010
2010	Congo, Rep. of	Law on the Protection of the Child 2010
2010	Albania	Law on the Protection of the Rights of the Child 2010
2008	Costa Rica	Code on Children and Adolescents and Family Code amended



Date full prohibition achieved	State	Prohibiting law
2008	Rep. of Moldova	Family Code 2001 amended
2008	Luxembourg	Law on Children and the Family 2008
2008	Liechtenstein	Children and Youth Act 2008
2007	Netherlands	Civil Code amended
2007	New Zealand	Crimes (Substituted Section 59) Amendment Act 2007
2007	Portugal	Penal Code amended
2007	Uruguay	Civil Code and Children and Adolescents Code 2004 amended
2007	Venezuela	Law for the Protection of Children and Adolescents 1998 amended
2007	Spain	Civil Code amended
2007	Togo	Children's Code 2007
2006	Greece	Law 3500/2006 on the Combating of Intra-family Violence
2005	Hungary	Child Protection Act 1997 amended
2004	Ukraine	Family Code 2003
2004	Romania	Law on Protection and Promotion of the Rights of the Child 2004
2003	Iceland	Children's Act 2003
2002	Turkmenistan	Law on Guarantees of the Rights of the Child 2002 <i>Prohibition reiterated in Family Code 2012</i>
2000	Bulgaria	Child Protection Act 2000 and Implementing Regulations 2003
2000	Israel	Supreme Court ruled against violence in childrearing; "reasonable chastisement" defence repealed
2000	Germany	Civil Code amended
1999	Croatia	Family Act 1998
1998	Latvia	Children's Rights Protection Law 1998
1997	Denmark	Parental Custody and Care Act 1995 amended <i>Prohibition reiterated in Act on Parental Responsibility 2007</i>
1994	Cyprus	Violence in the Family (Prevention and Protection of Victims) Law 1994 <i>Prohibition reiterated in Act on Violence in the Family 2000; right "to administer punishment" formally repealed from Children's Law 1956 in 2013</i>
1989	Austria	General Civil Code amended <i>Prohibition reiterated in Federal Constitutional Act on the Rights of Children 2011</i>
1987	Norway	Parent and Child Act 1981 amended <i>Prohibition confirmed in further amendments 2010 following 2005 Supreme Court decision supportive of "lighter smacks"</i>
1983	Finland	Child Custody and Rights of Access Act 1983
1979	Sweden	Parenthood and Guardianship Code amended

### Territories which have prohibited corporal punishment in all settings

Greenland, Denmark (2016); St Maarten, Netherlands (2013); Curaçao, Netherlands (2011); Faroe Islands, Denmark (2007); Pitcairn Islands, UK (2003); Svalbard and Jan Mayen Islands, Norway (1987)

The information below is based wherever possible on examination of national legislation; additional information is gathered from many sources, including reports to and by the United Nations human rights treaty bodies. **In states shaded grey, prohibiting legislation has been drafted and/or is currently under discussion; 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 assisted us in our research. We welcome corrections and updates: email [sharon@endcorporalpunishment.org](mailto:sharon@endcorporalpunishment.org). For further details on all states see the individual state reports at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org).

## Corporal punishment unlawful by Supreme Court ruling

In the following states, Supreme Court rulings have declared corporal punishment to be unlawful in all settings including the home but prohibition has not yet been enacted in legislation. Nepal is committed to law reform; Italy is yet to make a public commitment to enacting prohibition.

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Italy	NO <sup>1</sup>	YES	YES	YES	YES	YES
Nepal <sup>2</sup>	NO	NO	NO	NO	NO	YES

## States expressing commitment to law reform in the UPR and other contexts

Governments in the following states have expressed a commitment to prohibition of all corporal punishment of children through unequivocally accepting recommendations to prohibit made during the Universal Periodic Review (UPR) of the state concerned and/or in another official context.

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Afghanistan <sup>3</sup>	NO	NO	SOME <sup>4</sup>	YES	NO	NO <sup>5</sup>
Algeria <sup>6</sup>	NO	NO	NO	YES	NO	YES
Angola <sup>7</sup>	NO	NO	NO	NO	NO	YES
Armenia <sup>8</sup>	NO	SOME <sup>9</sup>	NO	YES	YES	YES
Azerbaijan <sup>10</sup>	NO	NO	NO	YES	YES	YES
Bangladesh <sup>11</sup>	NO	NO	NO	YES <sup>12</sup>	NO	NO
Belize <sup>13</sup>	NO	SOME <sup>14</sup>	SOME <sup>15</sup>	YES	SOME <sup>16</sup>	YES

1 1996 Supreme Court judgment ruled against all violence in childrearing but this not yet confirmed in legislation

2 Commitment to prohibition in all settings, including the home, made at July 2006 meeting of South Asia Forum, following 2005 UN Study on Violence against Children regional consultation; 2005 Supreme Court ruling removed legal defence for corporal punishment by parents, guardians and teachers

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

4 Prohibited in preschool provision

5 Lawful under Shari'a law

6 Government accepted UPR recommendation to prohibit in all settings (2012)

7 Government accepted UPR recommendation to prohibit all corporal punishment (2014)

8 Government accepted UPR recommendations to prohibit (2010, 2015)

9 Unlawful in care institutions

10 Government accepted UPR recommendations to prohibit (2009, 2013)

11 Commitment to prohibition in all settings, including the home, made at July 2006 meeting of South Asia Forum, following 2005 UN Study on Violence against Children regional consultation; Government accepted UPR recommendation to prohibit (2009)

12 Unlawful under 2011 Supreme Court ruling, not yet confirmed in legislation

13 Government accepted UPR recommendation to prohibit (2009)

14 Prohibited in residential care facilities

15 Prohibited in day care centres

16 Prohibited in "Youth Hostel" detention centre

States expressing commitment to law reform in the UPR and other contexts

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Bhutan <sup>17</sup>	NO	NO	NO	NO <sup>18</sup>	[YES]	YES
Bosnia and Herzegovina <sup>19</sup>	SOME <sup>20</sup>	SOME <sup>21</sup>	SOME <sup>22</sup>	YES	YES	YES
Burkina Faso	NO	NO	SOME <sup>23</sup>	SOME <sup>24</sup>	[YES]	YES
Chile <sup>25</sup>	NO	NO	NO	YES	YES	YES
Comoros <sup>26</sup>	NO	NO	NO	NO	NO	[YES]
Cuba <sup>27</sup>	NO	[SOME] <sup>28</sup>	[SOME] <sup>29</sup>	[YES]	YES	YES
Dominican Republic <sup>30</sup>	NO	NO	NO	YES	YES	YES
Ecuador <sup>31</sup>	NO	NO	SOME <sup>32</sup>	YES	YES	SOME <sup>33</sup>
El Salvador <sup>34</sup>	NO	NO	SOME <sup>35</sup>	YES	YES	YES
Fiji <sup>36</sup>	NO	NO	NO	YES <sup>37</sup>	YES	YES
Georgia <sup>38</sup>	NO	[SOME] <sup>39</sup>	NO	YES	YES	YES
Guinea-Bissau <sup>40</sup>	NO	[NO]	[NO]	[YES]	[YES]	YES
India <sup>41</sup>	NO	SOME <sup>42</sup>	NO <sup>43</sup>	SOME <sup>44</sup>	YES <sup>45</sup>	SOME <sup>46</sup>
Kiribati <sup>47</sup>	NO	NO	NO	YES	NO	NO
Kyrgyzstan <sup>48</sup>	NO	SOME <sup>49</sup>	NO	YES	[YES]	YES
Lithuania <sup>50</sup>	NO	NO	SOME <sup>51</sup>	YES	YES	YES
Marshall Islands <sup>52</sup>	NO	NO	NO	[YES] <sup>53</sup>	NO	YES
Mauritius	NO	NO	[SOME] <sup>54</sup>	YES	NO	YES

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

18 Code of Conduct and ministerial directives state corporal punishment should not be used but no prohibition in law

19 Government accepted UPR recommendations to prohibit (2015)

20 Prohibited in Republic of Srpska

21 Prohibited in Republic of Srpska

22 Prohibited in Republic of Srpska

23 Prohibited in preschool settings

24 Prohibited in primary schools

25 Government accepted UPR recommendations to prohibit in all settings (2014)

26 Government accepted UPR recommendations to prohibit in all settings (2014)

27 Government adopted Central American Regional Roadmap on Violence against Children (2011) which recommends full prohibition

28 Possibly prohibited in care institutions

29 Possibly prohibited in preschool institutions

30 Government accepted UPR recommendation to prohibit in all settings (2009) and adopted Central American Regional Roadmap on Violence against Children (2011) which recommends full prohibition

31 Government accepted UPR recommendation to prohibit in all settings (2012)

32 Prohibited in preschool provision

33 Lawful in indigenous communities

34 Government accepted UPR recommendation to prohibit in all settings (2010); commitment reaffirmed at Directing Council of the Inter-American Children's Institute meeting (2014)

35 Prohibited in preschool provision

36 Government accepted UPR recommendation to prohibit in all settings (2014)

37 Unlawful under 2002 High Court ruling, not yet confirmed in legislation

38 Government accepted UPR recommendation to prohibit in all settings (2015)

39 Possibly prohibited in care institutions

40 Government accepted UPR recommendation to prohibit in all settings (2015)

41 Commitment to prohibition in all settings confirmed in report to UN Committee on the Rights of the Child (2011); Government accepted UPR recommendation to prohibit in all settings (2012)

42 Prohibited in care institutions except in Jammu and Kashmir; bill which would prohibit in all childcare institutions under discussion (2014)

43 Bill which would prohibit in anganwadi centres and playschools under discussion (2014)

44 Prohibited for 6-14 year olds except in Jammu and Kashmir; not prohibited in religious schools

45 But prohibiting law not applicable in Jammu and Kashmir

46 Permitted in traditional justice systems

47 Government accepted UPR recommendations to prohibit in all settings and repeal "reasonable punishment" defence (2015)

48 Government accepted UPR recommendation to prohibit in all settings (2015)

49 Prohibited in residential institutions

50 Government stated intention to prohibit to UN Committee on the Rights of the Child (2006) and accepted UPR recommendation to prohibit in the home (2011)

51 Prohibited in preschool provision

52 Government accepted UPR recommendations to prohibit (2015)

53 But some legislation still to be formally repealed

54 Possibly unlawful in preschool provision

States expressing commitment to law reform in the UPR and other contexts

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Mexico <sup>55</sup>	NO	SOME <sup>56</sup>	SOME <sup>57</sup>	YES	YES	YES
Micronesia <sup>58</sup>	NO	NO	NO	[YES]	NO	YES
Montenegro <sup>59</sup>	NO	NO	SOME <sup>60</sup>	YES	YES	YES
Morocco <sup>61</sup>	NO	NO	NO	NO <sup>62</sup>	YES	YES
Mozambique <sup>63</sup>	NO	NO	NO	NO <sup>64</sup>	YES	YES
Niger	NO	NO	NO	NO <sup>65</sup>	NO	YES
Oman <sup>66</sup>	NO	NO	[SOME] <sup>67</sup>	YES	NO	[YES]
Pakistan <sup>68</sup>	NO	NO	NO	SOME <sup>69</sup>	SOME <sup>70</sup>	SOME <sup>71</sup>
Palau <sup>72</sup>	NO	NO	NO	NO	NO	YES
Panama <sup>73</sup>	NO	NO	NO	NO	YES	YES
Papua New Guinea <sup>74</sup>	NO	SOME <sup>75</sup>	NO	NO	YES	YES
Paraguay	NO	SOME <sup>76</sup>	NO	NO	YES	YES
Philippines <sup>77</sup>	NO	YES	YES	YES	YES	YES
Rwanda <sup>78</sup>	NO	NO	NO	YES	YES	YES
Samoa <sup>79</sup>	NO	NO	SOME <sup>80</sup>	SOME <sup>81</sup>	YES	YES
Sao Tome & Principe <sup>82</sup>	NO	NO	NO	[YES]	[YES]	[YES]
Serbia <sup>83</sup>	NO	NO	SOME <sup>84</sup>	YES	YES	YES
Slovakia <sup>85</sup>	NO	YES	YES	YES	YES	YES
Slovenia <sup>86</sup>	NO	NO	SOME <sup>87</sup>	YES	YES	YES

55 Government adopted Central American Regional Roadmap on Violence against Children (2011), which recommends full prohibition; prohibition included in General Law on the Rights of Children and Adolescents 2014 but further reform needed

56 Prohibited in institutions

57 Prohibited in institutions

58 Government accepted UPR recommendations to prohibit in all settings (2015)

59 Government accepted UPR recommendations to prohibit (2013)

60 Prohibited in preschool education

61 Government accepted UPR recommendation to prohibit in all settings (2012)

62 Ministerial direction advises against corporal punishment but no prohibition in law

63 Government accepted UPR recommendation to prohibit in all settings (2016)

64 Government directive advises against corporal punishment but no prohibition in law

65 Ministerial Order states corporal punishment should not be used but no prohibition in law

66 Government accepted UPR recommendation to prohibit in all settings (2015)

67 Possibly prohibited in preschool provision

68 Commitment to prohibition in all settings, including the home, made at July 2006 meeting of South Asia Forum, following 2005 UN Study on Violence against Children regional consultation, confirmed 2014 in Government launch of national campaign for law reform

69 Prohibited for 5-16 year olds in Islamabad Capital Territory, Sindh and Punjab

70 Prohibited in Juvenile Justice System Ordinance 2000, not applicable in all areas and other laws not amended/repealed

71 Lawful under Shari'a law

72 Government accepted UPR recommendation to prohibit (2011)

73 Government accepted UPR recommendations to prohibit (2010, 2015)

74 Government accepted UPR recommendation to prohibit in all settings (2011)

75 Corporal punishment of children "in the care of the Director" prohibited

76 Prohibited in shelter homes

77 Government accepted UPR recommendation to prohibit in the home and other settings (2012)

78 Government accepted UPR recommendation to prohibit in all settings and to repeal the "right of correction" (2011, 2015)

79 Government accepted UPR recommendation to prohibit in the home (2011)

80 Prohibited in early childhood centres

81 Prohibited in government schools for children aged 5-14

82 Government accepted UPR recommendation to prohibit in all settings (2011, 2015)

83 Government accepted UPR recommendations to prohibit (2008, 2013)

84 Prohibited in day care which forms part of education system

85 Government accepted UPR recommendation to prohibit (2009)

86 Government accepted UPR recommendation to prohibit (2010)

87 Prohibited in educational day care and residential schools

States expressing commitment to law reform in the UPR and other contexts

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
South Africa <sup>88</sup>	NO	YES	YES	YES	YES	YES
Sri Lanka <sup>89</sup>	NO	NO	NO	NO <sup>90</sup>	SOME <sup>91</sup>	YES
Tajikistan <sup>92</sup>	NO	NO	SOME <sup>93</sup>	YES	NO	YES
Thailand <sup>94</sup>	NO	NO	NO	YES	YES	YES
Timor-Leste <sup>95</sup>	NO	NO	NO	NO	YES	YES
Turkey <sup>96</sup>	NO	NO	NO	YES	YES	YES
Uganda <sup>97</sup>	NO	NO	NO	YES	YES	YES
Zambia <sup>98</sup>	NO	NO	SOME <sup>99</sup>	YES	YES	YES <sup>100</sup>
Zimbabwe <sup>101</sup>	NO	NO	NO	NO	NO	NO <sup>102</sup>

88 Government accepted UPR recommendation to prohibit in the home (2012)

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

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

91 Prohibited in prisons

92 Government accepted UPR recommendation to prohibit in all settings (2011)

93 Prohibited in preschool education settings

94 Government accepted UPR recommendations to prohibit in all settings (2012)

95 Government accepted UPR recommendation to prohibit (2011)

96 Government accepted UPR recommendations to prohibit (2010, 2015)

97 Government Bill which would prohibit in all settings tabled in 2015 but failed to progress through parliament

98 Government accepted UPR recommendation to prohibit in all settings (2012)

99 Prohibited in preschool provision

100 Unlawful under 1999 Supreme Court ruling but some legislation still to be repealed

101 Government accepted UPR recommendation to prohibit in all settings (2011)

102 2014 High Court ruling declaring judicial corporal punishment unconstitutional not yet confirmed by Constitutional Court

## States without a clear commitment to law reform

The following states have yet to make a clear commitment to prohibiting all corporal punishment. Some have accepted UPR recommendations to prohibit but have also indicated that they consider existing legislation adequately protects children from corporal punishment, in conflict with information collected by the Global Initiative. Some have accepted some UPR recommendations to prohibit corporal punishment but rejected other similar recommendations.

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Antigua & Barbuda	NO	NO	NO	NO	NO	YES
Australia	NO	SOME <sup>103</sup>	SOME <sup>104</sup>	SOME <sup>105</sup>	SOME <sup>106</sup>	YES
Bahamas	NO	SOME <sup>107</sup>	NO	NO	[YES] <sup>108</sup>	[NO] <sup>109</sup>
Bahrain	NO	NO	NO	YES	NO	YES
Barbados	NO	NO	SOME <sup>110</sup>	NO	NO	NO
Belarus <sup>111</sup>	NO	NO	NO	YES	YES	YES
Belgium	NO	SOME <sup>112</sup>	NO	YES	YES	YES
Botswana	NO	NO	NO	NO	NO	NO
Brunei Darussalam <sup>113</sup>	NO	NO	SOME <sup>114</sup>	NO	NO	NO
Burundi	NO	NO	NO	[YES]	NO	YES
Cambodia	NO	NO	NO	YES	YES	YES
Cameroon	NO	NO	[SOME] <sup>115</sup>	YES	[YES]	YES
Canada	NO <sup>116</sup>	SOME <sup>117</sup>	SOME <sup>118</sup>	YES <sup>119</sup>	YES	YES
Central African Republic	NO	NO	NO	NO	NO	YES
Chad <sup>120</sup>	NO	[SOME] <sup>121</sup>	[SOME] <sup>122</sup>	YES	[YES]	YES
China	NO <sup>123</sup>	[NO]	SOME <sup>124</sup>	YES	YES	YES
Colombia	NO	[SOME] <sup>125</sup>	NO	[YES] <sup>126</sup>	[YES] <sup>127</sup>	SOME <sup>128</sup>

103 Prohibited in all residential centres and foster care in all states/territories except Northern Territory, Tasmania, Victoria and Western Australia

104 Prohibited in all states/territories except in Northern Territory and Tasmania; prohibition in childminding unconfirmed

105 Prohibited in all states/territories except Northern Territory, Queensland and Western Australia

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

107 Prohibited in residential institutions

108 But some legislation possibly still to be repealed

109 Prohibited in 1984 but reintroduced in 1991

110 Prohibited in day nurseries

111 Government accepted UPR recommendation to prohibit (2010) but stated it had already been implemented and all corporal punishment unlawful

112 Prohibited in institutions in Flemish community

113 Government accepted some UPR recommendations to prohibit but rejected others (2009)

114 Prohibited in childcare centres

115 Possibly prohibited in nursery education

116 2004 Supreme Court ruling limited but upheld parents' right to physically punish children

117 Prohibited in state provided care in Alberta, British Columbia and Manitoba and in foster care in Alberta, British Columbia, Manitoba and Ontario; in Ontario prohibited in provincially licensed childcare programmes and in foster homes for children receiving services from provincially licensed/approved child protection agency or other service provider

118 Prohibited in all states/territories except New Brunswick

119 Unlawful under 2004 Supreme Court ruling but this not yet confirmed in laws relating to private schools and to all schools in Alberta and Manitoba

120 Government accepted UPR recommendation to prohibit in 2009 but rejected recommendation to prohibit in 2013

121 Possibly prohibited in institutional care settings

122 Possibly prohibited in institutions

123 But corporal punishment of girls prohibited in Shenzhen Special Economic Zone

124 Prohibited in nurseries and kindergartens

125 Possibly unlawful in care institutions

126 Prohibition in indigenous communities unconfirmed

127 Prohibition in indigenous communities unconfirmed

128 Lawful in indigenous communities

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Cook Islands	NO	NO	SOME <sup>129</sup>	YES	NO	YES
Côte d'Ivoire	NO	NO	NO	NO <sup>130</sup>	YES	YES
Czech Republic	NO	SOME <sup>131</sup>	SOME <sup>132</sup>	YES	YES	YES
Djibouti	NO	NO	NO	[YES]	NO	YES
Dominica	NO	NO	SOME <sup>133</sup>	NO	NO	NO
DPR Korea <sup>134</sup>	NO	NO	NO	[NO] <sup>135</sup>	[YES]	[YES]
DR Congo	NO	NO	NO	YES	NO	YES
Egypt	NO	NO	NO	[NO] <sup>136</sup>	[YES] <sup>137</sup>	YES
Equatorial Guinea	NO	NO	NO	NO	NO	YES
Eritrea	NO	NO	NO	NO <sup>138</sup>	[NO]	YES
Ethiopia <sup>139</sup>	NO	SOME <sup>140</sup>	SOME <sup>141</sup>	YES	YES	YES
France <sup>142</sup>	NO	NO	NO	YES <sup>143</sup>	YES	YES
Gabon	NO	NO	SOME <sup>144</sup>	YES	YES	YES
Gambia	NO	NO <sup>145</sup>	NO	NO <sup>146</sup>	NO	YES
Ghana <sup>147</sup>	NO	NO	NO	NO <sup>148</sup>	SOME <sup>149</sup>	YES
Grenada	NO	SOME <sup>150</sup>	NO	NO	NO	NO <sup>151</sup>
Guatemala <sup>152</sup>	NO	NO	NO	NO	YES	YES
Guinea	NO	NO	NO	NO <sup>153</sup>	[NO]	YES
Guyana	NO	SOME <sup>154</sup>	SOME <sup>155</sup>	NO	SOME <sup>156</sup>	SOME <sup>157</sup>
Haiti	NO	[YES] <sup>158</sup>	[YES] <sup>159</sup>	YES	YES	YES
Indonesia	NO	NO <sup>160</sup>	NO	NO	YES	SOME <sup>161</sup>

129 Prohibited in institutions providing early childhood education

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

131 Unlawful in institutions

132 Prohibited in preschool provision

133 Prohibited in early childhood education facilities

134 Government accepted UPR recommendation to prohibit in all settings (2014)

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

136 Ministerial directive states corporal punishment should not be used but possibly no prohibition in law

137 Possibly lawful in social welfare institutions

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

139 Government accepted UPR recommendation to abolish corporal punishment but rejected recommendation to criminalise it (2014)

140 Prohibited in institutions

141 Prohibited in institutions

142 Government accepted UPR recommendation to prohibit (2013) but stated that acceptance of recommendations did not necessarily imply a commitment to further action

143 But courts have recognised a "right of correction"

144 Prohibited in preschool provision

145 Minimum standards for residential childcare institutions state corporal punishment should not be used but no prohibition in law

146 Ministerial directive advises against corporal punishment but no prohibition in law

147 Government accepted UPR recommendations to prohibit in all settings (2008, 2012) but also defended "reasonable" punishment and has asserted existing legislation is adequate

148 Ministerial directive possibly advises against corporal punishment but no prohibition in law

149 Prohibited in prisons

150 Prohibited in childcare homes

151 Prohibited in Juvenile Justice Act 2012, not yet in force

152 Government accepted UPR recommendation to prohibit in the home (2008) and in all settings (2012) but has also said existing law prohibits

153 Ministerial circular possibly advises against corporal punishment but no prohibition in law

154 Prohibited in some but not all settings in Child Care and Services Development Act 2011

155 Prohibited in some but not all settings in Child Care and Services Development Act 2011

156 Prohibited for persons under 17

157 Prohibited for persons under 17

158 Prohibition in foster care unconfirmed

159 Prohibition in crèches and childminding unconfirmed

160 National Standards of Care for Child Welfare Institutions state corporal punishment should not be used but no prohibition in law

161 Lawful under Shari'a law

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Iran	NO	NO	SOME <sup>162</sup>	NO <sup>163</sup>	YES	NO
Iraq	NO <sup>164</sup>	NO	NO	NO	SOME <sup>165</sup>	YES
Jamaica	NO	YES	SOME <sup>166</sup>	NO <sup>167</sup>	YES	YES
Japan <sup>168</sup>	SOME <sup>169</sup>	NO	NO	YES <sup>170</sup>	NO	YES
Jordan <sup>171</sup>	NO	[SOME] <sup>172</sup>	[NO]	YES	[YES]	YES
Kazakhstan	NO	[SOME] <sup>173</sup>	SOME <sup>174</sup>	YES	YES	YES
Kuwait <sup>175</sup>	NO	NO	NO	YES	[YES]	[YES]
Lao PDR	NO	NO	SOME <sup>176</sup>	YES	YES	YES
Lebanon	NO	NO	NO	NO <sup>177</sup>	[YES]	YES
Lesotho <sup>178</sup>	NO	NO	NO	NO	YES	YES
Liberia	NO	SOME <sup>179</sup>	SOME <sup>180</sup>	NO	YES	YES
Libya	NO	NO	SOME <sup>181</sup>	YES	NO	NO
Madagascar	NO	NO	NO	[YES]	NO	YES
Malawi	NO	SOME <sup>182</sup>	SOME <sup>183</sup>	[YES] <sup>184</sup>	YES	YES
Malaysia	NO	NO	NO	NO	NO	NO <sup>185</sup>
Maldives <sup>186</sup>	NO	NO	NO	NO <sup>187</sup>	NO	NO
Mali	NO	NO	SOME <sup>188</sup>	YES	YES	YES
Mauritania	NO	NO	NO	NO <sup>189</sup>	NO	NO
Monaco	NO	NO	NO	YES	YES	YES
Myanmar	NO	NO	NO	NO <sup>190</sup>	NO	YES <sup>191</sup>

162 Prohibited in day care centres (kindergartens)

163 Government directive states corporal punishment should not be used but no prohibition in law

164 But possibly prohibited in Kurdistan

165 Prohibited in prisons and detention centres

166 Prohibited in early childhood centres ("basic schools")

167 Prohibition under discussion (2015); see also note on day care

168 Government accepted UPR recommendation to prohibit all corporal punishment (2008, 2012) but denied that "right to discipline" allows corporal punishment and stated that legislation adequately protects children from "excessive" discipline (2012)

169 Prohibited in Kawasaki City by local ordinance

170 But Tokyo High Court has ruled some physical punishment may be lawful in some circumstances

171 Government accepted UPR recommendation to prohibit in all settings (2009) but stated current laws do not prescribe corporal punishment and subsequently limited but did not repeal right to discipline according to "general custom"

172 Possibly prohibited in institutions

173 Possibly prohibited in children's villages

174 Prohibited in preschool education and training

175 Government accepted 2010 UPR recommendation to prohibit but subsequently stated existing law adequate; Government accepted 2015 recommendation to prohibit but appeared to defend "simple discipline"

176 Unlawful in early childhood education settings

177 Ministerial directive states corporal punishment should not be used but no prohibition in law

178 Government accepted UPR recommendation to abolish corporal punishment, stating it was being implemented (2010), but subsequent law reform prohibited only as sentence for crime

179 Corporal punishment by child protection practitioners prohibited

180 Corporal punishment by child protection practitioners prohibited

181 Unlawful in preschool provision

182 Prohibited in state-run institutions

183 Prohibited in state-run day care

184 Prohibition in private schools unconfirmed

185 Government committed to prohibition (2007); bill which would prohibit (but not under Islamic law) under discussion (2015)

186 Government expressed commitment to prohibition in all settings, including the home, at July 2006 meeting of South Asia Forum, following 2005 UN Study on Violence against Children regional consultation, but law reform in 2014/2015 re-authorised corporal punishment in all settings and Government rejected UPR recommendations to prohibit (2015)

187 Ministry of Education advises against corporal punishment but no prohibition in law

188 Prohibited in preschools and kindergartens

189 Ministerial Order states corporal punishment should not be used but no prohibition in law

190 Government directive advises against corporal punishment but no prohibition in law

191 But some legislation still to be repealed



State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Namibia	NO	SOME <sup>192</sup>	SOME <sup>193</sup>	YES	YES <sup>194</sup>	YES <sup>195</sup>
Nauru	NO	NO	[SOME] <sup>196</sup>	YES	YES	[YES]
Nigeria	NO	NO	NO	NO <sup>197</sup>	SOME <sup>198</sup>	SOME <sup>199</sup>
Niue	NO	NO	NO	NO	[YES]	YES
Qatar <sup>200</sup>	NO	NO	NO	NO <sup>201</sup>	YES	NO
Republic of Korea <sup>202</sup>	SOME <sup>203</sup>	SOME <sup>204</sup>	SOME <sup>205</sup>	SOME <sup>206</sup>	YES	YES
Russian Federation	NO	NO	SOME <sup>207</sup>	YES	YES	YES
Saudi Arabia <sup>208</sup>	NO	NO	NO	NO <sup>209</sup>	NO	NO
Senegal	NO	NO	NO	SOME <sup>210</sup>	[YES]	YES
Seychelles	NO	NO	NO	NO <sup>211</sup>	NO	YES
Sierra Leone	NO	NO	NO	NO	YES	YES
Singapore	NO	NO	SOME <sup>212</sup>	NO	NO	NO
Solomon Islands <sup>213</sup>	NO	NO	NO	NO	YES	YES <sup>214</sup>
Somalia	NO	SOME <sup>215</sup>	SOME <sup>216</sup>	[SOME] <sup>217</sup>	SOME <sup>218</sup>	SOME <sup>219</sup>
St Kitts & Nevis	NO	NO	NO	NO	NO	[YES] <sup>220</sup>
St Lucia <sup>221</sup>	NO	NO	NO	NO	NO	YES
St Vincent & Grenadines	NO	NO	NO	NO	NO	NO
State of Palestine	NO	NO	NO	SOME <sup>222</sup>	[SOME] <sup>223</sup>	[SOME] <sup>224</sup>
Sudan	NO	NO	NO	SOME <sup>225</sup>	NO	[YES] <sup>226</sup>

192 Unlawful in state-run childcare under 1991 Supreme Court ruling but some legislation still to be repealed; prohibited in Child Care and Protection Act 2014, not yet in force

193 Unlawful in state-run childcare under 1991 Supreme Court ruling but some legislation still to be repealed; prohibited in Child Care and Protection Act 2014, not yet in force

194 Unlawful under 1991 Supreme Court ruling but some legislation still to be repealed; prohibited in Child Care and Protection Act 2014, not yet in force

195 Unlawful under 1991 Supreme Court ruling but some legislation still to be repealed

196 Possibly prohibited in preschool education settings

197 But possibly prohibited in Lagos State

198 Prohibited in Child Rights Act 2003, not enacted in all states

199 Prohibited in Child Rights Act 2003, not enacted in all states; lawful in some states under Shari'a law

200 Government accepted some UPR recommendations to prohibit but rejected another similar one, stating corporal punishment already prohibited (2010)

201 Code of Conduct for schools states corporal punishment should not be used but no prohibition in law

202 Government accepted UPR recommendations to prohibit in all settings (2012) but was unclear on need for prohibition in the home

203 Prohibited in Seoul

204 Prohibited in Seoul

205 Prohibited in Seoul

206 Law prohibits direct (with contact) but not indirect (no contact) physical punishment; fully prohibited in Seoul

207 Unlawful in preschool provision

208 Government accepted UPR recommendations to prohibit corporal punishment in schools and penal system but stated already prohibited in schools and care settings (2009); recommendations to prohibit in 2013 UPR rejected

209 Ministerial circulars advise against corporal punishment but no prohibition in law

210 Prohibited for 6-14 year olds

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

212 Prohibited in childcare centres

213 Government accepted UPR recommendation to prohibit in all settings (2011) but stated review of Penal Code included assessing need for clarification on lawful corporal punishment

214 But used in traditional justice

215 Prohibited in Somaliland

216 Prohibited in Somaliland

217 Possibly prohibited in Somaliland

218 Prohibited in Somaliland

219 Prohibited in Somaliland

220 But some legislation still to be formally repealed

221 Government accepted some but not all UPR recommendations to prohibit (2015)

222 Prohibited in UNRWA schools and in East Jerusalem; elsewhere Ministerial direction advises against corporal punishment but no prohibition in law

223 Possibly unlawful in East Jerusalem

224 Possibly unlawful in Gaza

225 Prohibited in Khartoum State

226 Possibly lawful under Shari'a law

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Suriname	NO	NO	NO	NO <sup>227</sup>	YES	YES
Swaziland	NO	NO	NO	NO	NO	YES
Switzerland	NO <sup>228</sup>	[SOME] <sup>229</sup>	YES	YES	YES	YES
Syrian Arab Republic	NO	NO	NO	NO <sup>230</sup>	NO	YES
Taiwan	NO	NO	[SOME] <sup>231</sup>	YES	YES	YES
Tonga	NO	NO	SOME <sup>232</sup>	YES	[YES]	NO <sup>233</sup>
Trinidad & Tobago	NO	YES	YES	YES	YES	YES
Tuvalu <sup>234</sup>	NO	SOME <sup>235</sup>	NO	NO	SOME <sup>236</sup>	SOME <sup>237</sup>
UK	NO	SOME <sup>239</sup>	SOME <sup>239</sup>	YES <sup>240</sup>	YES	YES
United Arab Emirates	NO	NO	NO	YES	[YES]	NO
UR Tanzania	NO	SOME <sup>241</sup>	NO	NO	SOME <sup>242</sup>	SOME <sup>243</sup>
USA	NO	SOME <sup>244</sup>	SOME <sup>245</sup>	SOME <sup>246</sup>	SOME <sup>247</sup>	YES
Uzbekistan	NO	NO	NO	YES	YES	YES
Vanuatu	NO	NO	NO	YES	YES	SOME <sup>248</sup>
Viet Nam	NO	NO	NO	YES	YES	YES
Western Sahara	NO	[NO]	[NO]	[NO]	[YES]	[YES]
Yemen	NO	NO	[SOME] <sup>249</sup>	YES	YES	NO

227 Government accepted UPR recommendation to prohibit in schools (2011)

228 2003 Federal Court ruling stated repeated and habitual corporal punishment unacceptable but did not rule out all corporal punishment in childrearing

229 Possibly lawful in family placements

230 Ministry of Education advises against corporal punishment but no prohibition in law

231 Possibly prohibited in care centres

232 Prohibited in preschool institutions

233 2010 Court of Appeal ruling stated "it might be argued" whipping is unconstitutional but did not declare it such

234 Government accepted 2008 UPR recommendation to prohibit but in 2013 accepted some UPR recommendations to prohibit and rejected others

235 Prohibited in hospital mental health wing

236 Corporal punishment by police officers prohibited

237 Island courts may order corporal punishment

238 Prohibited in residential institutions and foster care arranged by local authorities and voluntary organisations

239 Prohibited in day care and childminding in England, Wales and Scotland; in Northern Ireland, guidance states physical punishment should not be used but no prohibition in law

240 But in 2014 Government confirmed no prohibition in "unregistered independent settings providing part-time education"

241 Prohibited in residential institutions in Zanzibar

242 Prohibited in approved schools and remand homes in Zanzibar

243 Prohibited in Zanzibar

244 Prohibited in all care settings in 31 states, and in some settings in other states and District of Columbia

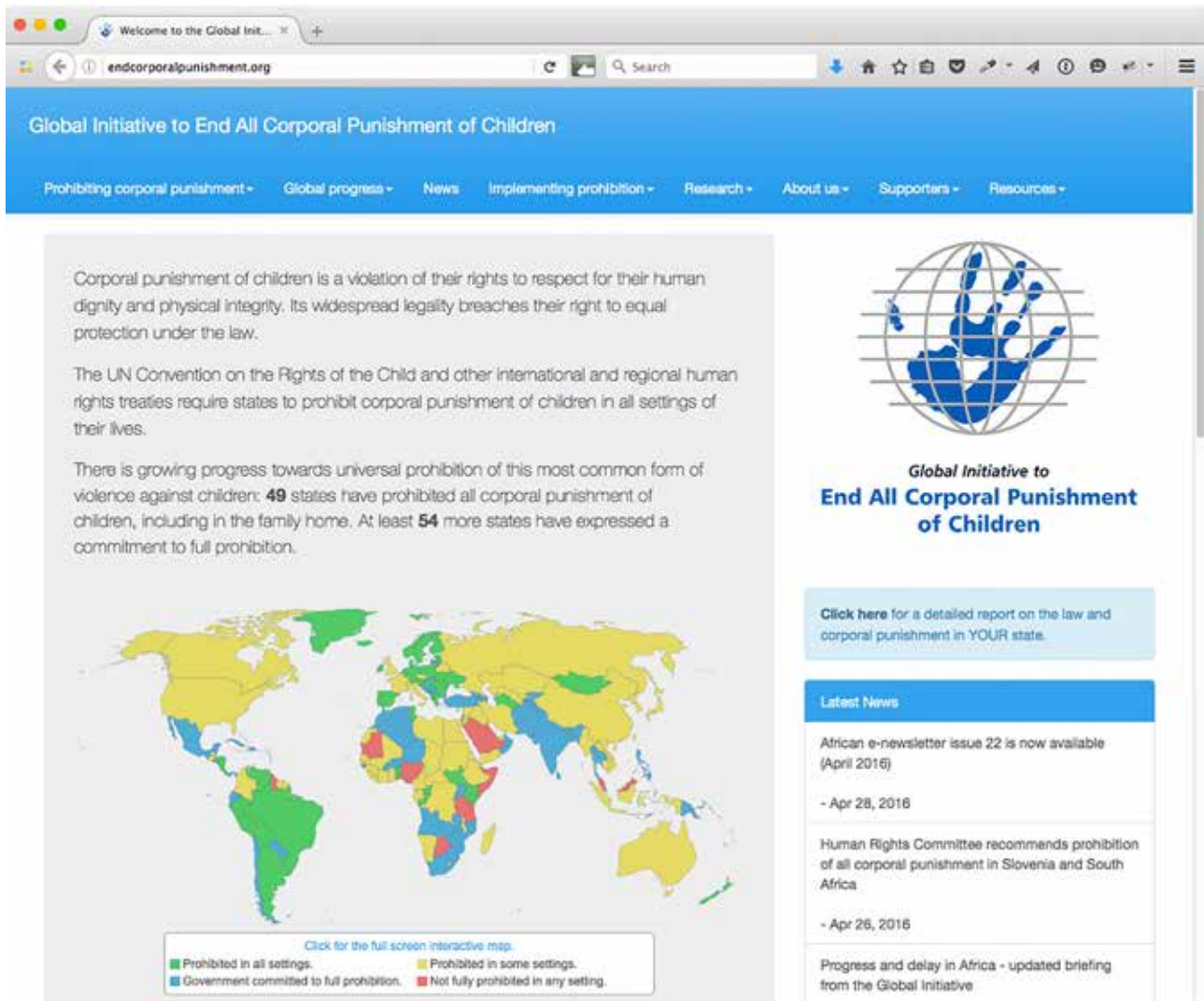
245 Prohibited in all care settings in 31 states, and in some settings in other states and District of Columbia

246 Prohibited in public schools in 29 states and District of Columbia, and in public and private schools in Iowa and New Jersey; federal bill which would prohibit under discussion (2015)

247 Prohibited in 32 states

248 Permitted in rural areas under customary justice systems

249 Possibly prohibited in preschool provision



Website sections include:

### Prohibiting corporal punishment

Read FAQs about prohibiting corporal punishment, learn all about human rights law (the treaties and the UPR) and national high-level court rulings, understand what it means to draft laws which achieve prohibition, and see what current opportunities for law reform there are in every state

### Global progress

See the latest facts and figures on progress towards universal prohibition, global and regional tables of legality in all settings, reports on corporal punishment in every state and territory and information on states which have achieved prohibition

### Research

Read about research on prevalence of and attitudes towards corporal punishment, its negative effects, and the positive impact of prohibition

### Implementing prohibition

Learn about how prohibiting legislation can be implemented, and find link to resources on positive discipline

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In 1989 – the year of the adoption of the UN Convention on the Rights of the Child – Austria became the fourth country in the world to ban all corporal punishment of children when it amended the General Civil Code to prohibit the use of force by parents. In 2006, the findings and recommendations of the UN Secretary General’s Study on Violence against Children were published, including a recommendation to all states to reform their laws to prohibit all violent punishment of children as a matter of priority. Many states since then have enacted a ban. Austria confirmed its own ban in 2011 in the Federal Constitutional Act on the Rights of Children: “Every child has the right to non-violent upbringing. Corporal punishment, the infliction of mental suffering, sexual abuse and other abuses are prohibited....”

The high level intergovernmental conference hosted by the Austrian Government in Vienna, June 2016, celebrates the 10th anniversary of the UN Study on Violence against Children and the rapidly growing number of states prohibiting all violent punishment of children – and aims to increase the momentum towards universal prohibition. It follows the inaugural conference, “Childhood free from corporal punishment – changing law and practice”, hosted by the Swedish Government in Stockholm in 2014.

This special report sets out the progress so far towards universal prohibition of violent punishment of children, particularly in the years since the UN Study in 2006 recommended prohibition of corporal punishment as a priority issue. It also aims to be an inspiration and guide for increasing the momentum of reform in the additional new context of the 2030 Agenda for Sustainable Development and the global commitment to ending all violence against children.

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

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

[www.endcorporalpunishment.org](http://www.endcorporalpunishment.org), [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)

Detailed information on all aspects of prohibiting corporal punishment is available on the Global Initiative website, including individual reports on every state and territory in the world: [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org).

The Global Initiative publishes a regular global e-newsletter with news of progress towards prohibition worldwide, new research and resources to support law reform, human rights monitoring and more (subscribe at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)).



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