

Ending legalised violence against children by 2030

Progress towards prohibition and elimination of corporal punishment in Pathfinder countries



**A SPECIAL REPORT PREPARED FOR
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punishment in Pathfinder countries**

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**We know that prohibition of
corporal punishment in law
provides the essential foundation
for eliminating it in practice. It is
imperative that we reform the law
as a matter of urgency if we are to
have any hope of ending corporal
punishment by 2030.**

**PAULO SÉRGIO PINHEIRO, INDEPENDENT EXPERT
WHO LED THE UN STUDY ON VIOLENCE AGAINST
CHILDREN AND CHAIRPERSON
OF THE INDEPENDENT INTERNATIONAL
COMMISSION OF INQUIRY ON SYRIA.¹**

**We envisage a world of universal respect
for human rights and human dignity....
A world ... in which every child grows up
free from violence and exploitation.**

**TRANSFORMING OUR WORLD: THE 2030 AGENDA
FOR SUSTAINABLE DEVELOPMENT**

**TARGET
16.2**

**End abuse, exploitation,
trafficking and all forms
of violence against and
torture of children.**

**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.**

1. Speaking at the High Level Global Conference, "Towards Childhoods free from Corporal Punishment", Vienna, 1-2 June 2016.

Why this report?

The facts

Corporal punishment is the **most common form of violence** experienced by children worldwide. Ending its use is key to ending all violence against children and reducing violence across the whole of society in the longer term – building peaceful, non-violent societies in which human rights are respected – and in working towards other Sustainable Development Goal (SDG) targets, including those related to health, education, violence against women and girls, equality and economic growth.

Overwhelming evidence shows violent punishment of children is associated with a variety of negative health and behavioural outcomes, including poorer mental health, cognitive development and educational outcomes, increased aggression and involvement in criminal behaviour in children and adults. While the long-term effects of violence in families and society are felt by all, they can disproportionately affect low- and middle-income countries, where its impact can be severe in terms of slowing economic growth, undermining personal and collective security, and impeding social development.

Need for immediate action

Prohibition of violent punishment is an essential first step towards eliminating its use. The **INSPIRE** package of seven strategies to end violence against children, under its first strategy – implementation and enforcement of laws – highlights the need for laws banning corporal punishment of children by parents, teachers and other caregivers. In order to change social norms and attitudes around violence in childrearing, law reform must be accompanied by society-wide public and professional education and awareness raising programmes; examples of these are also set out in INSPIRE.

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” – takes time. If states are to achieve substantial reductions in the prevalence of violent punishment by 2030 (indicator 16.2.1), they must reform national legislation and work to make prohibition of all corporal punishment of children a reality NOW!

Committing to action

Pathfinding countries under the Global Partnership to End Violence Against Children have committed to three to five years of accelerated action to end violence against children; this includes a formal pledge to support actions to end all forms of violence against children, including implementation of the INSPIRE package at scale.

In order to achieve SDG 16.2 and related targets, Pathfinding Governments that have not yet prohibited all corporal punishment must pursue law reform as a matter of urgency, and all Pathfinders must work to implement prohibition through education and awareness raising to end all corporal punishment – the most common form of violence against children.

This report tracks progress in Pathfinding countries towards prohibition of corporal punishment. It sets out:



Legal status

The current legal status of corporal punishment, any changes needed to achieve full prohibition, and any current opportunities for law reform.



Commitment

Whether the government has “committed” to prohibiting all corporal punishment of children, including in the home.²



Progress

Progress towards elimination of corporal punishment: any available prevalence data and examples of good practice.



Recommendations

Relevant recommendations from human rights treaty monitoring bodies.

Map of pathfinding countries



2. The Global Initiative to End All Corporal Punishment of Children considers a government “committed” to achieving prohibition when it has clearly accepted a recommendation to do so under the Universal Periodic Review, has made a similar commitment in another context or has made clear moves towards prohibition.

Mongolia



Mongolia prohibited all corporal punishment of children in 2016.

The Law on the Rights of Children 2016 came into force on 1 September 2016; it explicitly confirms children's right to be protected from corporal punishment (article 7.1, unofficial translation):

“Children have the right to be protected from crime, offences or any forms of violence, physical punishment, psychological abuse, neglect and exploitation in all social settings.”



49% of 1–14 year old children surveyed in 2013 experienced some form of violent discipline (psychological aggression and/or physical punishment) at home in the past month; 28% experienced physical punishment and 4% severe physical punishment (hit or slapped on the face, head or ears, or hit repeatedly); only 38% of children experienced only non-violent forms of discipline.³



The **Committee on the Rights of the Child**, in 2017, welcomed prohibition of corporal punishment but was concerned about its continued use in homes and schools; it urged the Government “to ensure the effective implementation of the law, including through public education and awareness-raising programmes such as nationwide social mobilization campaigns,

The Law on Child Protection 2016 explicitly prohibits the use of corporal punishment by parents and other adults (article 2.6, unofficial translation):

“All types of physical and humiliating punishment against children by parents, guardians and third parties who are responsible for care, treatment, guidance and education of children and adolescents, during the upbringing and disciplining faulty behaviours of children is prohibited.”

The Government must ensure that prohibition of corporal punishment is effectively implemented in the best interests of children, including through ongoing educational campaigns aimed at adults and children to raise awareness of the law, children's right to protection from corporal punishment, the dangers associated with its use, and positive, non-violent methods of discipline.

as well as training of parents and teachers, to promote positive, non-violent and participatory forms of child-rearing and discipline”.⁴

Similar recommendations were also made by the **Human Rights Committee** in 2017, and the **Committee Against Torture** in 2016.⁵

3. National Statistical Office, UNFPA & UNICEF (2015), *Mongolia Social Indicator Sample Survey 2013, Multiple Indicator Cluster Survey*. Final Report, Ulaanbaatar, Mongolia: National Statistics Office
4. CRC/C/MNE/CO/1, paras. 36–37
5. CCPR/C/MNG/CO/6, paras. 17–18; CAT/C/MNG/CO/2, paras. 25–26

Montenegro



Montenegro prohibited all corporal punishment of children in 2016.

Substantial amendments to the Family Law 2007 were passed by Parliament in July and entered into force in August 2016. Article 9a was inserted to state:

“(1) Child [sic] shall not be subjected to corporal punishment or any other cruel, inhuman or degrading treatment.”



In 2014, the Government reported that the National Plan of Action for Children 2013–2017 envisaged “the implementation of at least three national campaigns to raise public awareness about the negative impact of corporal punishment of children in all settings”.⁶ It also accepted a recommendation under the Universal Periodic Review of Montenegro in 2013 to take measures to raise public awareness of the negative impacts of corporal punishment on children, stating “a media campaign will be launched on the consequences of corporal punishment of children”.⁷



The **Committee on the Rights of the Child**, in 2010, recommended that the Government prohibit all corporal punishment (since achieved), conduct awareness-raising campaigns on its negative impact on children and promote non-violent, positive, participatory methods of childrearing and education.⁸ Similar recommendations were also made by the **Committee Against Torture** (2014 and 2008) and the **Human Rights Committee** (2013).⁹

(2) The prohibition referred to in para 1 above shall pertain to parents, guardians and all other persons taking care of or coming into contact with the child.

(3) The persons referred to in para 2 above are obliged to protect the child from any treatment referred to in para 1 above.”

The Government must ensure that prohibition of corporal punishment is effectively implemented in the best interests of children, including through ongoing educational campaigns aimed at adults and children to raise awareness of the law, children's right to protection from corporal punishment, the dangers associated with its use, and positive, non-violent methods of discipline.

6. CCPR/C/MNE/Q/1/Add.1, para. 34
7. A/HRC/23/12/Add.1, para. 21
8. CRC/C/MNE/CO/1, paras. 36–37
9. CAT/C/MNE/CO/2, para. 21; CAT/C/MNE/CO/1, para. 22; CCPR/C/MNE/CO/1, para. 13

Paraguay



Paraguay prohibited all corporal punishment of children in 2016.

The Law on “Promotion of Good Treatment, Positive Parenting and Protection of Children and Adolescents against Corporal Punishment or Any Type of Violence as a Method of Correction or Discipline” was approved by the Chamber of Deputies in August 2016 and enacted by the Executive in September 2016.

Article 1 of the new Law explicitly confirms children’s right to be protected from corporal punishment and states (unofficial translation):

“... Corporal punishment and humiliating treatment of children and adolescents is prohibited as a form of correction or discipline, especially when it is imparted by parents, tutors, guardians or anyone responsible for their education, care, guidance, or treatment of any kind. Children and adolescents

are especially entitled to receive guidance, education, care and discipline by implementing guidelines for positive parenting.”

The Law emphasises prevention of corporal punishment and measures to ensure implementation of the Law (article 5); it requires the Ministry of Education and Culture to allocate the necessary resources for effective implementation in the field of education (article 6) and, together with the Ministry of Public Health and Social Welfare, to establish complaints mechanisms (article 8).

The Government must ensure that prohibition of corporal punishment is effectively implemented in the best interests of children, including through ongoing educational campaigns aimed at adults and children to raise awareness of the law, children’s right to protection from corporal punishment, the dangers associated with its use, and positive, non-violent methods of discipline.



61% of 10–18 year old students of 54 private and public schools across the country, surveyed in 2010, had experienced violence or other kinds of mistreatment from their closest family members; 35% had experienced severe physical violence (being hit with objects, kicked, burned or suffocated) in their families, 13% reporting being hit until they bled and 8% needing medical attention.¹⁰

The National Plan of Action for the Protection of Children Against Abuse and All Forms of Violence

2017–2021 includes promoting positive parenting to families, communities and public officials working with children.

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The **Committee on the Rights of the Child** reviewed Paraguay in 2010 and 2001; it recommended that the Government prohibit all corporal punishment (since achieved), ensure effective monitoring of teachers and other professionals working with children, and conduct

awareness-raising campaigns with a view to changing the general attitude towards corporal punishment and promoting positive, non-violent, participatory forms of child-rearing and education.¹¹

10. UNICEF (2010), *Resumen Para Prensa: Estudio sobre maltrato infantil en el ámbito familiar, Paraguay 2010*
11. CRC/C/PRY/CO/3, paras. 37–39; CRC/C/15/Add.166, paras. 31–32

Romania



Romania prohibited all corporal punishment of children in 2004.

The Law on Protection and Promotion of the Rights of the Child passed both Chambers of Romanian Parliament in June 2004 and came into force on 1 January 2005; article 28 states:

“(1) The child has the right to be shown respect for his or her personality and individuality and may not be made subject to physical punishments or to other humiliating or degrading treatments.



Half of parents surveyed in 2017 believe physical punishment is beneficial for a child’s upbringing; 9 out of 10 parents only consider it to be physical violence if it leaves bruises and scars on the child, and only 1 in 10 parents would never hit their children.¹²

62% of children surveyed in 2012 said their parents hit them with a hand without leaving a mark – down from 84% in 2001. The number of children that reported being hit with objects by their parents also fell from 29% in 2001 to 18% in 2012, as had those that were hit so hard it left a mark, from 10% in 2001 to 5% in 2012.¹³

As part of the Universal Periodic Review of Romania in 2013, the Government rejected a recommendation to “Strengthen the full implementation of legislation on corporal punishment of children, including through awareness raising, education programmes, and appropriate complaints mechanisms”, stating it was already implemented.¹⁴



The **Committee on the Rights of the Child**, in 2017, recommended that Romania ensure prohibition of corporal punishment is properly enforced in all settings, and promote positive, non-violent and participatory forms of child-rearing and discipline

(2) Disciplinary measures concerning the child can only be taken in accordance with the child’s dignity, and, under no circumstances are physical punishments allowed, or punishments which relate to the child’s physical and mental development or which may affect the child’s emotional status.”

Article 90 again confirms “It is forbidden to enforce physical punishments of any kind... both within the family, as well as in any institution which ensures the protection, care and education of children.”

It said Romania has and will continue to develop measures to raise awareness of the ban; regarding complaints mechanisms, it said there are toll free lines in each local Child Protection Directorate and at national level where children or other persons can notify a possible situation of abuse or neglect of a child.¹⁵

The Government must ensure that prohibition of corporal punishment is effectively implemented in the best interests of children, including through ongoing educational campaigns aimed at adults and children to raise awareness of the law, children’s right to protection from corporal punishment, the dangers associated with its use, and positive, non-violent methods of discipline.

through awareness-raising programmes and campaigns; it made similar recommendations in 2009 and 2003, as did the **Human Rights Committee** in 2017.¹⁶

12. World Vision Romania (2017), *De ce lovim copiii?*

13. Save the Children Romania (2014), *Child Neglect and Abuse: National Sociologic Study (English summary)*

14. A/HRC/23/5, para. 109(99)

15. A/HRC/23/5/Add.1, paras. 109(99)–(100)

16. CRC/C/ROU/CO/5, para. 24; CRC/C/ROM/CO/4, paras. 58–59; CRC/C/15/Add.199, paras. 42–43; CCPR/C/ROU/CO/5, paras. 23–24

Sweden



Sweden prohibited all corporal punishment of children in 1979.

The Children and Parents Code was amended to state (article 6.1): “Children are entitled to care, security and a good upbringing. Children shall be treated with respect for their person and individuality and may not be subjected to corporal punishment or any other humiliating treatment.” Prohibition is reiterated in the Instrument of Government – one of four laws which together make up the Constitution: “Everyone shall be protected against corporal punishment...” (Chapter 2 article 5).



Awareness raising campaigns began before the ban was in place and continued afterwards. Key messages were printed on milk boxes to encourage awareness and discussion among families, and a brochure entitled “Can you raise and educate your children without hitting or spanking?” was distributed to all households, providing information about the rights of the child and the new law, and discussing ways of setting boundaries for children, disciplining children and building positive relationships between parents and children in different age groups.

Periodic evaluations of the impact of the ban reveal the practice has declined steadily and significantly since its enactment. In 2011, 92% of parents thought it was wrong to beat or slap a child; about 3% of parents had struck their child at some point during the past year –



The **Committee on the Rights of the Child**, in 2009, recommended that Sweden continue and strengthen its efforts to assist child victims of abuse, including through “public awareness-raising and education campaigns on the negative consequences of

Contained in the Parental Code, the ban does not carry sanctions and penalties; parental violence against children can be criminalised under assault in the Criminal Code. The aim of the ban was to make clear that children should be raised without violence of any kind. It was accompanied by a national communication and information campaign funded by the Government, including a brochure which was delivered to every household.

compared to 28% in 1980 – and 14% of 15–16 year olds said they had been hit by their parents at least once in their lifetime. Children with disabilities or chronic health problems were twice as likely to be beaten as children without disabilities, and children in families where there was violence between adults were ten times as likely to be physically punished as children in families where there was no violence between adults.¹⁷

During the Universal Periodic Review of Sweden in 2015, the Government referred to “its proactive role in abolishing corporal punishment against children in Sweden and internationally” and stated that it “planned to create a national knowledge centre on violence against children to coordinate, compile knowledge and support actors in work against corporal punishment”.¹⁸

ill-treatment and preventive programmes, including family development programmes, promoting positive, non-violent forms of discipline.”¹⁹

17. Janson, S. et al (2012), *Corporal punishment and other humiliating behaviour towards children in Sweden – a national study 2011*, Children’s Welfare Foundation & University of Karlstad
 18. A/HRC/29/13, para. 137
 19. CRC/C/SWE/CO/4, para. 39

Armenia



Prohibition is still to be achieved in the home, some alternative care settings and day care.

The Family Code 2004 prohibits “scornful, cruel, inhuman treatment, insults and exploitation” (article 53(1), unofficial translation). The Rights of the Child Act 1996 states that children have a right to protection from all forms of violence; it prohibits punishment which affects the child’s dignity (article 9) and protects the child’s right to honour and dignity (article 22). But none of these provisions are interpreted as prohibiting all corporal punishment in childrearing.

The near universal social acceptance of corporal punishment in childrearing necessitates explicit prohibition to provide clarity in law that no level or form of corporal punishment is acceptable in any setting, including the home.



Armenia is committed to prohibiting all corporal punishment.

The Government indicated its commitment to prohibition by clearly accepting recommendations to prohibit corporal punishment in all settings made



70% of 2–14 year old children surveyed between 2005 and 2013 experienced some form of violent discipline (psychological aggression and/or physical punishment) at home in the past month; 43%



The **Committee on the Rights of the Child** has recommended prohibition of all corporal punishment to Armenia three times (2013, 2004, 2000), as did the **Committee on Economic, Social and Cultural Rights** (2014); the **European Committee of Social**

Current opportunities to achieve prohibition:

The Government confirmed in 2015 that prohibition of corporal punishment will be included in draft amendments to the Family Code. A new Criminal Code and a Law on the Rights and Social Inclusion of Persons with Disabilities are also being drafted. The Law on Domestic Violence was passed in December 2017 – in 2014, the Government reported that the bill on domestic violence and related legislation would contain “comprehensive regulations” relating to corporal punishment. We have been unable to see the text of the law.

during the Universal Periodic Review of Armenia in 2010, and again in 2015 when it reported that prohibition is included among draft amendments to the Family Code.

experienced physical punishment, although a much smaller percentage (3%) of mothers and caregivers thought physical punishment was necessary in childrearing.²⁰

Rights has found Armenia in violation of the Revised European Social Charter three times (2015, 2011, 2007) for failing to explicitly prohibit corporal punishment in all settings.²¹

20. UNICEF (2014), *Hidden in Plain Sight: A statistical analysis of violence against children*, NY: UNICEF
 21. CRC/C/ARM/CO/3–4, paras. 24–25; CRC/C/15/Add.225, paras. 39–40; CRC/C/15/Add.119, paras. 32–33; E/C.12/ARM/CO/2–3 Advance Unedited Version, para. 19; European Committee of Social Rights (January 2016, Conclusions 2015), (January 2012, Conclusions 2011), (2007, Conclusions XVIII–1, vol.1)

El Salvador



Prohibition is still to be achieved in the home, alternative care settings and day care.

Article 215 of the Family Code 1994 confirms the duty of parents “to correct their children appropriately and moderately”; article 204 of the Criminal Code 1997 recognises a “right of correction”, and article 38 of the Law for the Integral Protection of Children and Adolescents 2009 confirms the right of parents to “adequately and moderately correct” their children.

These defences must be repealed and explicit prohibition enacted to provide clarity in law that no degree or form of corporal punishment is acceptable in any setting, including the home.

Current opportunities to achieve prohibition:

The Government reported in 2017 that the Penal Code was under review, with the notable addition of article 338 which would strengthen women and children’s protection from family violence. Bills on the removal of the “right of correction” which were under discussion in 2017 were archived. No further Bills on the issue can be introduced until April 2018.



El Salvador is committed to prohibiting all corporal punishment.

The Government expressed its commitment to full prohibition by clearly accepting a recommendation to prohibit corporal punishment in all settings during the Universal Periodic Review of El Salvador in 2010. During its second Review in 2014, the Government

stated that corporal punishment is prohibited under articles 38 and 89 of the Law for the Integral Protection of Children and Adolescents 2009, but went on to accept a recommendation to expressly prohibit it by law in all settings. The Government reaffirmed its commitment to prohibition at a meeting of the Directing Council of the Inter-American Children’s Institute in 2014.



52% of 1–14 year old children surveyed in 2014 experienced some form of violent discipline (psychological aggression and/or physical punishment) at home in the past month;

36% experienced physical punishment and 3% severe physical punishment (hit or slapped on the face, head or ears, or hit repeatedly); only 35% of children experienced only non-violent forms of discipline.²²



The **Committee on the Rights of the Child** has recommended prohibition of all corporal punishment to El Salvador twice, in 2010 and 2004, as has the **Committee on the Rights of Persons with Disabilities** in 2013.²³

22. Ministerio de Salud – Instituto Nacional de Salud, DIGESTYC & UNICEF (2015), *Encuesta Nacional de Salud 2014 – Encuesta de Indicadores Múltiples por Conglomerados 2014, Resultados Principales*, San Salvador, El Salvador: Ministerio de Salud e Instituto Nacional de Salud
23. CRC/C/SLV/CO/3–4, paras. 9, 29, 45, 54–55; CRC/C/15/Add.232, paras. 35, 36, 43–44; CRPD/C/SLV/CO/1, paras. 35–36

Indonesia



Prohibition is still to be achieved in the home, alternative care settings, day care, schools and as a sentence for crime.

No defence of “reasonable chastisement” or similar has been identified but provisions against violence and abuse in the Penal Code 1918, the Law on Child Protection 2014, the Law on Youth 2009, the Law on Human Rights, the Law on Domestic Violence 2004 and the Constitution 1945 are not interpreted as prohibiting all corporal punishment.

The near universal social acceptance of corporal punishment in childrearing necessitates explicit prohibition to provide clarity in law that no level or form of corporal punishment is acceptable in any setting, including the home.

Current opportunities to achieve prohibition:

A draft new Criminal Code has long been under discussion: in March 2013, the Ministry of Justice and Human Rights reported that the revised Code had been submitted to the lawmakers.²⁴ It appears no new Code has yet been adopted.



Indonesia is committed to prohibiting all corporal punishment.

The Government expressed its commitment by clearly accepting a recommendation to prohibit corporal punishment in all settings during the Universal Periodic Review of Indonesia in 2017.

A National Strategy on the Elimination of Violence Against Children 2016–2020 was adopted by the Ministry for Women’s Empowerment and Child Protection in 2015. The strategy identifies corporal

punishment as a “dangerous practice” and highlights prohibition of physical punishment as an international obligation not yet translated into national law, and a challenge in relation to rules of law that needs to be overcome.

In its third/fourth state party report to the Committee on the Rights of the Child, dated October 2010, the Government stated it had a programme to develop “national and regional regulations that prohibit all forms of physical and psychological punishments of children at home and in schools.”²⁵



90% of children in Papua Province and 86% of children in West Papua Province aged 2–14, surveyed in 2010–2011, experienced violent “discipline” (physical punishment and/or psychological aggression) at

home in the past month. On average, 70% experienced physical punishment, and 25% severe physical punishment (being hit or slapped on the face, head or ears or being hit over and over with an implement).²⁶



The **Committee on the Rights of the Child** has twice recommended prohibition of all corporal punishment to Indonesia, in 2014 and 2004, as did the **Human Rights Committee** (2013) and the **Committee Against Torture** (2008).²⁷

24. Reported in *Jakarta Globe*, 7 March 2013

25. CRC/C/IDN/3–4, para. 76

26. Badan Pusat Statistik (2013), *The Selected Districts of Papua Province Multiple Indicator Cluster Survey 2011, Final Report*, Jakarta: BPS; Badan Pusat Statistik (2013), *The Selected Districts of West Papua Province Multiple Indicator Cluster Survey 2011, Final Report*, Jakarta: BPS

27. CRC/C/IDN/CO/3–4, paras. 7–8, 60; CRC/C/15/Add.223, paras. 43–44, 61; CCPR/C/IND/CO/1, para. 15; CAT/C/IDN/CO/2, paras. 15, 17

Mexico



Prohibition is still to be achieved in the home, alternative care settings and day care.

Article 423 of the Federal Civil Code 2012 confirms a “right to correct” for persons with parental authority.

This and similar provisions in state legislation must be repealed and explicit prohibition enacted to provide clarity in law that no level of corporal punishment is acceptable.



Mexico is committed to prohibiting all corporal punishment.

In 2009, the Government accepted UPR recommendations to ensure children are fully protected from corporal punishment, and in 2011, it adopted the Central American Regional Roadmap



63% of 1–14 year old children surveyed in 2015 experienced some form of violent discipline (psychological aggression and/or physical punishment) at home in the past month;



The **Committee on the Rights of the Child** has recommended prohibition of all corporal punishment to Mexico on four occasions: 2015, 2011, 2006, 1999.²⁹

Current opportunities to achieve prohibition:

A Bill amending article 423 of the Federal Civil Code was approved by the Chamber of Deputies in December 2017 and passed to the Senate for examination. The Bill has the apparent aim to prohibit corporal punishment and all other humiliating and degrading treatment of children, but it may have the effect of limiting corporal punishment to “repeated” use of force – we are seeking clarification.

Another Bill to prohibit corporal punishment was introduced in the Senate and is pending.

on Violence against Children, which recommends explicit prohibition and the repeal of any provisions authorising its use.

The End Violence National Action Plan 2017–2018, launched in August 2017, identifies explicit prohibition of corporal punishment in all settings as a priority in the strategy to end all forms of violence against children.

38% experienced physical punishment and 6% severe physical punishment (hit or slapped on the face, head or ears, or hit repeatedly); only 31% of children experienced only non-violent forms of discipline.²⁸

28. Instituto Nacional de Salud Pública & UNICEF México, *Encuesta Nacional de Niños, Niñas y Mujeres en México 2015 – Encuesta de Indicadores Múltiples por Conglomerados 2015, Resultados Principales*, Ciudad de México, México: Instituto Nacional de Salud Pública & UNICEF México, 2016
29. 8 June 2015, CRC/C/MEX/CO/4–5, paras. 31 and 32; 7 April 2011, CRC/C/OPAC/MEX/CO/1, para. 18; 8 June 2006, CRC/C/MEX/CO/3, paras. 35, 36, 72, 73; 10 November 1999, CRC/C/15/Add.112, para. 25

Philippines



Prohibition is still to be achieved in the home.

The Family Code 1987 (article 20) and the Child and Youth Welfare Code 1974 (article 45) recognise a “right” of parents to discipline their child as may be necessary; the Code of Muslim Personal Laws provides parents with “the power to correct, discipline, and punish them moderately” (article 74), and the Rules and Regulations on the Reporting and Investigation of Child Abuse Cases state that discipline by a parent “does not constitute cruelty provided it is reasonable in manner and moderate in degree and does not constitute physical or psychological injury as defined herein” (section 2).

These provisions must be repealed and explicit prohibition enacted to clearly state that no degree or form of corporal punishment is acceptable in any setting, including the home.



Philippines is committed to prohibiting all corporal punishment.

The Government expressed its commitment to full prohibition by clearly accepting a recommendation to prohibit corporal punishment in all settings during



Over half of children (55%) experience corporal punishment in the home, including spanking with a hand, rolled paper or small stick, pulling hair, and pinching or twisting ears; 30% experienced severe forms of abuse, including slapping, kicking,



The **Committee on the Rights of the Child** has twice recommended prohibition of all corporal punishment to the Philippines, in 2009 and 2005, as did the **Committee Against Torture** in 2016.³¹

Current opportunities to achieve prohibition:

House Bill No. 4907 “An Act Promoting Positive and Nonviolent Discipline of Children and Appropriating Funds Therefor” was passed on third reading at the House of Representatives in December 2014 but failed to progress through the Senate. The Bill would have prohibited corporal punishment in all settings, including the home (section 5) and repealed all laws or provisions inconsistent with the prohibition (section 21). In 2016, the text of this Bill was reintroduced as House Bill No. 516.

In 2017, Senators who had filed separate bills to prohibit corporal punishment and promote positive discipline (Senate Bills No. 1136, 1170, 1189 and 1348) introduced the consolidated Senate Bill No. 1477, which closely mirrors the text of House Bill No. 4907. It is currently at Committee stage.

the Universal Periodic Review of the Philippines in 2012. Bills which would achieve prohibition are under discussion.

A Discussion Paper entitled “An historic opportunity to end violence against children” was published in May 2016 and suggested the enactment of the Positive Discipline Bill.

smothering, tying up, drowning and burning. Mothers are the most common perpetrators of physical violence in the home, followed by fathers, brothers and sisters, but fathers were found responsible for most severe physical violence.³⁰

30. Council for the Welfare of Children & UNICEF Philippines (2016), *National Baseline Study on Violence against Children: Philippines. Executive Summary*, Quezon City: Council for the Welfare of Children & UNICEF Philippines

31. CRC/C/PHL/CO/3–4, paras. 10–12, 42–43; CRC/C/15/Add.259, paras. 41–43; CAT/C/PHL/CO/3, paras. 41–42

South Africa



Prohibition is still to be achieved in the home.

In October 2017, the High Court of Gauteng ruled the common law defence of “reasonable or moderate chastisement” to be unconstitutional.³² The common law recognised parents’ power “to inflict moderate and reasonable chastisement on a child for misconduct provided that this was not done in a manner offensive to good morals or for objects other than correction and admonition”.³³

This ruling must be confirmed in legislation explicitly prohibiting all corporal punishment



South Africa is committed to prohibiting all corporal punishment.

The Government expressed its commitment to full prohibition by clearly accepting a recommendation to prohibit corporal punishment in all settings during the Universal Periodic Review of South Africa in 2012. The Department of Social Development also supported proposals to include prohibition in the review of the Children’s Act, and in 2014 issued a media statement reaffirming its commitment to prohibition.



11% of children nationally experienced corporal punishment at school in 2015, according to the General Household Survey,³⁴ but in a 2016 social audit, learners



The **Committee on the Rights of the Child** has recommended prohibition of all corporal punishment to South Africa twice, in 2016 and 2000; similar recommendations have been made by the

of children, to provide clarity in law that no degree or form of corporal punishment is acceptable in any setting, including the home.

Current opportunities to achieve prohibition:

In the context of the ongoing review of the Children’s Act, the Children’s Third Amendment Bill includes “no child may be subjected to corporal punishment or be punished in a cruel, inhuman or degrading way” and “the common law defence of reasonable chastisement ... is hereby abolished”. The bill was expected to be tabled in 2016 but has not yet been introduced in Parliament.

In 2017, the Department of Social Development sent a submission to the High Court of Gauteng supporting the view that the defence of “reasonable chastisement” is incompatible with the Constitution, but in September 2017, the Government ‘noted’ (did not accept) recommendations to prohibit corporal punishment in all settings made during the Universal Periodic Review.

in Western Cape schools reported that corporal punishment occurs daily in 37% of schools and at least once a week in 59% of schools.³⁵

Human Rights Committee (2016), the **Committee Against Torture** (2004) and the **African Committee of Experts on the Rights and Welfare of the Child** (2014).³⁶

32. YG v The State, High Court of Gauteng Local Division, Case No. A263/2016. In November 2017, an *amicus curiae* to the case applied for leave to appeal the decision; as at 1 February 2018, decision pending.

33. R v Janke and Janke, 1913 TPD 382

34. Statistics South Africa (2016), *General Household Survey 2015*, Pretoria: Statistics South Africa

35. Equal Education (2016), *Of “Loose Papers and Vague Allegations” A Social Audit Report on the Safety and Sanitation Crisis in Western Cape Schools*, Western Cape: Equal Education

36. CRC/C/ZAF/CO/2, paras. 35–36; CRC/C/15/Add.122, paras. 3, 8, 28; CCPR/C/ZAF/CO/1 paras. 24–25; CAT/C/ZAF/CO/1, para. 25; African Committee of Experts on the Rights and Welfare of the Child, *Concluding observations on initial report*, October 2014, paras. 34–35

Sri Lanka



Prohibition is still to be achieved in the home, alternative care settings, day care, schools and some penal institutions.

Article 71(6) of the Children and Young Persons Ordinance 1939 recognises “the right of any parent, teacher or other person having lawful control or charge of a child ... to administer punishment to him”. The Penal Code now includes an offence of cruelty to children (article 308A, inserted in 1995) but article 82 of the Code states: “Nothing, which is done in good faith for the benefit of a person under twelve years of age, or, of... the guardian or other person having lawful charge of that person, is an offence....”



Sri Lanka is committed to prohibiting all corporal punishment.

The Government expressed its commitment to prohibiting all corporal punishment of children at the July 2006 meeting of the South Asia Forum; it reaffirmed its commitment in 2017 by clearly



74% of parents in four districts use some form of corporal punishment – 90% in Galle, 86% in Polonnaruwa, 67% in Batticaloa, 50% in Colombo – most commonly hitting with a hand (31%) and beating with a stick (27%). Parents reported using corporal



The **Committee on the Rights of the Child** has twice recommended prohibition of all corporal punishment to Sri Lanka, in 2010 and 2003, and raised the issue in 1995; so too did the **Human Rights Committee** (2014) and the **Committee Against Torture** (2011 and 2005).³⁸

37. De Silva, KP Shyamalie, (2012), *Use of corporal punishment on children by parents and their perceptions: A study on the perceptions of parents on the use of Corporal Punishment on children in Colombo; Batticaloa; Galle and Polonnaruwa Districts*

38. CRC/C/LKA/CO/3–4, paras. 40–41; CRC/C/15/Add.207, paras. 28–29; CRC/C/15/Add.40, paras. 15, 32; CCPR/C/LKA/CO/5, paras. 3, 19; CAT/C/LKA/CO/3–4, para. 30; CAT/C/LKA/CO/1/CRP.2, para. 3

39. A/HRC/34/54/Add.2, para. 116.k

illustration (i) of the offence of “criminal force” (article 341) states that a schoolmaster who flogs a student is not using force illegally.

These provisions must be repealed and explicit prohibition enacted to clearly state that no degree or form of corporal punishment is acceptable in any setting, including the home.

Current opportunities to achieve prohibition:

The Government has reported that amendments to the Children and Young Persons Ordinance have been proposed and has referred to a “draft Children (Judicial Protection) Act” and a “Child Protection and Justice Bill” – but we do not have any further information. The Criminal Code and the Code of Criminal Procedure are also under review.

accepting a recommendation to prohibit corporal punishment in all settings during the Universal Periodic Review of Sri Lanka in November.

A Discussion Paper produced in 2017 in the context of Sri Lanka’s Pathfinding status identifies prohibition of corporal punishment as a “pathway” to end violence. The National Plan of Action for Children in Sri Lanka 2016–2020 does not address corporal punishment.

punishment to bring up their children in a “proper manner” (31%), for educational purposes or to get the child to study (29%) or to prevent the child from doing things that they felt were wrong (20%).³⁷

Following a visit in 2016, the **UN Special Rapporteur on Torture** also recommended that Sri Lanka “repeal all relevant legislation so that corporal punishment is explicitly prohibited in all settings”.³⁹

Uganda



Prohibition is still to be achieved in the home, alternative care settings and day care.

A right to administer “reasonable chastisement” is recognised under common law, and protection from violence and abuse in the Children Act and other laws is not interpreted as prohibiting all corporal punishment.



Uganda is committed to prohibiting all corporal punishment.

A Government Bill – the Children (Amendment) Bill – tabled in 2015 would have prohibited corporal punishment in the home and all other settings. The Bill was later withdrawn, having been tabled alongside a Private Members’ Bill – the Children (Amendment) (No. 2) Bill – which was passed in March 2016. The amendments passed prohibited corporal punishment in all schools, but not in the home and other settings.

Amendments to the Children Act included a right of every child to be protected against all forms of violence including physical and emotional abuse



Children in northern Uganda in 2012 identified corporal punishment in the home and at school as one of their major safety concerns: 79% said they felt unsafe or scared due to beatings at school and 90% at home. When asked to draw something that made them feel unsafe at home, at school or in the community, more than half drew pictures of teachers beating children, and children in all regions drew pictures of corporal punishment in the home.⁴¹



The **Committee on the Rights of the Child** recommended prohibition of all corporal punishment to Uganda in 2005, and raised the issue in 1997; the **Committee on Economic, Social and Cultural Rights**

The common law defence must be repealed and explicit prohibition enacted to clearly state that no degree or form of corporal punishment is acceptable in any setting, including the home.

(article 42A) and a requirement that prevention and early intervention programmes “focus on ... developing appropriate parenting skills and the capacity of parents and caregivers to safeguard the wellbeing and best interest of the child, including the promotion of positive, nonviolent forms of discipline” (article 42B) but they did not prohibit corporal punishment in childrearing.

Under the Universal Periodic Review, no specific recommendations on corporal punishment have yet been made to Uganda, but the Government did accept other relevant recommendations, including to provide better protection for children (2011) and to prohibit violence against children in all settings (2016).⁴⁰

The ‘**Good School Toolkit**’ developed by Ugandan NGO Raising Voices was piloted in 42 primary schools from 2012–2014. A study conducted alongside implementation found a 42% reduction in the number of cases of violence against children in the intervention schools and a 50% reduction in the number of teachers using physical punishment. The toolkit has now been applied in over 600 Ugandan schools and adapted for use in other countries; it is now being developed for use in secondary schools.

recommended prohibition in 2015 and the issue was raised by the **Committee Against Torture** in 2005, and the **Human Rights Committee** in 2004.⁴²

40. A/HRC/19/16, paras. 111(1)–(2), 111(58)–(59); A/HRC/WG.6/26/L.7, paras. 115(14), 115(36), 115(58), and 115(71)
41. WarChild UK (2012), *Child Safety Report Card: 2012 Regional Report*
42. CRC/C/UGA/CO/2, paras. 39–40; CRC/C/15/Add.80, paras. 15, 35; E/C.12/UGA/CO/1, para. 27; CAT/CO/34/UGA, para. 3; CCPR/CO/80/UGA, paras. 5, 18

Jamaica



Prohibition is still to be achieved in the home, some day care and schools.

The right to inflict “reasonable and moderate” punishment on children is recognised in common law, but does not appear to be confirmed in written law. Corporal punishment is prohibited in early childhood institutions and “basic schools” but not in all early childhood care and in day care for older children.

The common law defence must be repealed and explicit prohibition enacted to provide clarity in law that no degree or form of corporal punishment is acceptable in any setting, including the home.

A review of the Child Care and Protection Act 2004 by a Parliamentary Joint Select Committee commenced in 2014; a detailed submission from the Office of the Children’s Advocate included prohibition of corporal punishment in all settings. Following national consultation on amendments to the Act, it was recommended that corporal punishment be prohibited in all education settings before the home.⁴³



60% of people surveyed by phone in 2015 do not think corporal punishment is necessary to discipline children; 36% think it is necessary and 4% don’t know; fewer younger people feel corporal punishment is necessary (32% of 14–19 year olds) than older (43% of 26–40 year olds).⁴⁶



Recommendations to prohibit all corporal punishment have been made to Jamaica by the Committee on the Rights of the Child (2015, 2003 and 1995), the Human Rights Committee (2016 and 2011) and the Committee on Economic, Social and Cultural Rights (2013).⁴⁸

As part of the Universal Periodic Review of Jamaica in 2015, the Government stated prohibition of corporal punishment “is a culturally sensitive issue that is under consideration, and no definitive position has been taken on that matter” and went on to reject recommendations to prohibit corporal punishment in all settings.⁴⁴

Current opportunities to achieve prohibition:

In May 2015, then Minister of Youth and Culture Lisa Hanna reportedly stated that no action would be taken to prohibit corporal punishment until the issue “is completely ventilated through public discourse”.⁴⁵ In November 2017, Prime Minister Andrew Holness in the House of Representatives confirmed his commitment to prohibit corporal punishment in schools, stated his stance against all forms of corporal punishment and called for a debate in Parliament on prohibition in all settings, including the home.

The Offences Against the Person Act and the Domestic Violence Act are also under review.

85% of 2–14 year old children surveyed in 2010–2011 experienced violent “discipline” (physical punishment and/or psychological aggression) at home in the past month; 68% experienced physical punishment and 6% severe physical punishment (hit or slapped on the face, head or ears or hit over and over with an implement).⁴⁷

43. CRC/C/JAM/Q/3–4/Add.1, paras. 1–2
44. A/HRC/WG.6/22/JAM/1, para. 94; A/HRC/30/15, paras. 120(6), 121(53), 121(54); A/HRC/30/15/Add.1
45. jamaica-gleaner.com/article/lead-stories/20150511/youth-ministry-not-ready-ban-corporal-punishment, accessed 4 January 2018
46. Respect Jamaica (2015), *Respect Jamaica/UNICEF Youth Survey*, Kingston, Jamaica: Respect Jamaica
47. Statistical Institute of Jamaica (STATIN) & United Nations Children’s Fund (UNICEF) (2013), *Jamaica Multiple Indicator Cluster Survey 2011: Final Report*, Kingston: STATIN & UNICEF
48. CRC/C/JAM/CO/3–4, paras. 30–31; CRC/C/15/Add.210, paras. 33, 48–49; CRC/C/15/Add.32, para. 7; CCPR/C/JAM/CO/4, paras. 45–46; CCPR/C/JAM/CO/3, para. 20; E/C.12/JAM/CO/3–4, para. 20

Nigeria



Corporal punishment has not been prohibited in any setting – it remains lawful in the home, alternative care settings, day care, schools, penal institutions and as a sentence for crime.

Relevant provisions of the Child Rights Act 2003 are not interpreted as prohibiting all corporal punishment; some child rights laws at state level prohibit corporal punishment once it reaches a certain level of severity but are not interpreted as prohibiting all corporal punishment by parents. Article 295 of the Criminal Code (South), article 55 of the Penal Code (North) and the Shari'a penal codes in the Northern states confirm the right of parents to use force to "correct" their children.

These defences must be repealed and explicit prohibition enacted to clearly state that no degree or form of corporal punishment is acceptable in any setting, including the home. All provisions for judicial corporal punishment of persons under 18 must also be repealed, including under Shari'a law.



Six in 10 children experience some form of violence; half of all children experience physical violence, with parents or adult relatives being the most common perpetrator, according to a 2014 study; the study notes that many of those perpetrating the violence may be doing so in the name of "discipline".⁵⁰

During the second Universal Periodic Review of Nigeria in 2013, the Government was "encouraged" to "abolish any form of corporal punishment used against children" and a number of recommendations were made concerning the harmonisation of national legislation with human rights standards and violence against children, which the Government accepted.⁴⁹

Current opportunities to achieve prohibition:

A Roadmap for Ending Violence Against Children was published in October 2016 in the context of Nigeria's accession to Pathfinder status; it did not refer to corporal punishment of children. A National Action Plan was planned for publication in early 2017; it is yet to be published.

Proposals have been made in the context of reviewing the 1999 Constitution to make the Child Rights Act 2003 automatically applicable in all states, and draft legislation based on the Act is under consideration in a number of states; the Children and Young Persons Laws, the Penal Code, the Criminal Procedure Code and the Shari'a Penal Code are also under review.

91% of 2–14 year old children surveyed in 2011 experienced "violent discipline" (physical punishment and/or psychological aggression) at home in the past month; 79% experienced physical punishment and 62% of mothers and caregivers believed physical punishment was necessary in childrearing.⁵¹



The **Committee on the Rights of the Child** has recommended prohibition of all corporal punishment to Nigeria twice, in 2010 and 2005, and raised the issue in 1996, as did the **African Committee of Experts on the Rights and Welfare of the Child** in 2008.⁵²

49. A/HRC/25/6, para. 120; A/HRC/25/6, paras. 135(12), 135(14), 135(20), 135(22)–(23), 135(26), 135(83)–(86), 135(92)

50. National Population Commission of Nigeria, UNICEF Nigeria & US Centre for Disease Control and Prevention (2015), *Violence Against Children in Nigeria: Findings from a National Survey, 2014*, Abuja, Nigeria: UNICEF Nigeria

51. UNICEF (2014), *Hidden in Plain Sight: A statistical analysis of violence against children*, NY: UNICEF

52. CRC/C/NGA/CO/3–4, paras. 5, 6, 40–41; CRC/C/15/Add.257, paras. 38–39, 79–81; CRC/C/15/Add.61, paras. 15, 36, 38; ACERWC (2009), *Concluding observations on initial report: Nigeria*, para. 50

United Republic of Tanzania



Corporal punishment has not been fully prohibited in any setting – it remains lawful in the home, some alternative care settings, day care, schools, some penal institutions and as a sentence for crime.

Article 13 of the Law of the Child Act 2009 in mainland Tanzania provides for "justifiable" correction; article 14 of the Children's Act 2011 in Zanzibar confirms that parents may discipline their children providing it does not lead to injury. The Government has confirmed that corporal punishment is justifiable under both laws.

These defences must be repealed and explicit prohibition enacted to clearly state that no degree or form of corporal punishment is acceptable in any setting, including the home.

The Government rejected recommendations to prohibit all corporal punishment made during the Universal Periodic Review of Tanzania in 2011, and again in 2016, stating "...the majority of citizens are in favour of corporal punishment. This form of punishment plays a significant deterrent role in the society".⁵³



A 2017 report indicates routine, widespread and sometimes brutal use of corporal punishment in schools: almost all students interviewed were subjected to corporal punishment at some point.

Current opportunities to achieve prohibition:

In 2016, the Government reported that a Proposed Constitution was waiting to be put to a public referendum.⁵⁴ Article 50 of the draft states that every child has the right to "be protected from abuse, cruelty, child labour and harmful traditional practices" (unofficial translation); protection from violence and harmful traditional practices is also confirmed for people with disabilities (article 52) and for women (article 54), but corporal punishment is not explicitly prohibited.

The National Plan of Action to End Violence Against Women and Children in Tanzania 2017–2022 includes the promotion of positive discipline, but does not address legal prohibition of corporal punishment. Zanzibar's National Plan of Action to End Violence Against Women and Children 2017–2022 lists as a priority action "Develop legislation that addresses violence against children in schools and promoting the use of positive forms of discipline" but does not recommend prohibition of corporal punishment.

Students reported being hit on the buttocks in front of the class; female students reported being hit on the buttocks and breasts, and reported further humiliation during menstruation.⁵⁵



The **Committee on the Rights of the Child** has recommended prohibition of all corporal punishment to Tanzania three times, in 2015, 2006, 2001; the **Committee on Economic, Social and Cultural Rights** recommended prohibition in 2012 and the issue was raised by the **Human Rights Committee** in 2009 and 1998.⁵⁶

53. A/HRC/19/4/Add.1, paras. 86(37)–(38) and 86(47); A/HRC/33/12/Add.1, para. 136(21)

54. CEDAW/C/TZA/Q/7–8/Add.1, para. 1(1)

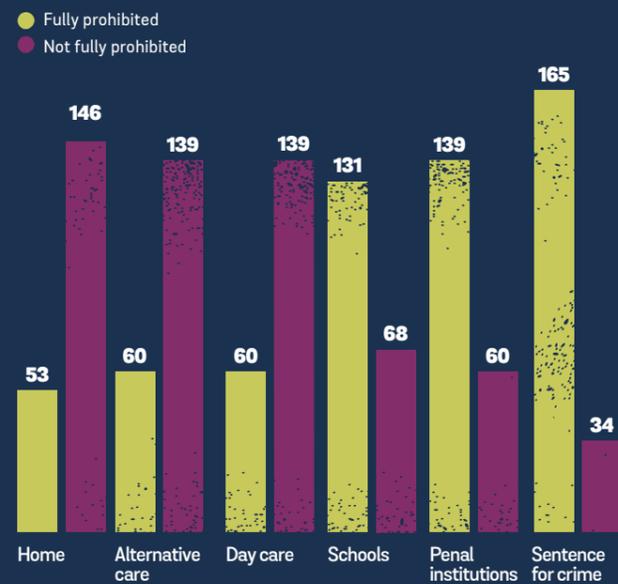
55. Human Rights Watch (2017), "I Had a Dream to Finish School" Barriers to Secondary Education in Tanzania

56. CRC/C/TZA/CO/3–5 Advance Unedited Version, paras. 6, 35–36, 71–72; CRC/C/TZA/CO/2, paras. 6, 33–34, 70; CRC/C/15/Add.156, paras. 38–39, 67; E/C.12/TZA/CO/1–3, paras. 4, 14; CCPR/C/TZA/CO/4, para. 16; CCPR/C/79/Add.97, para. 16

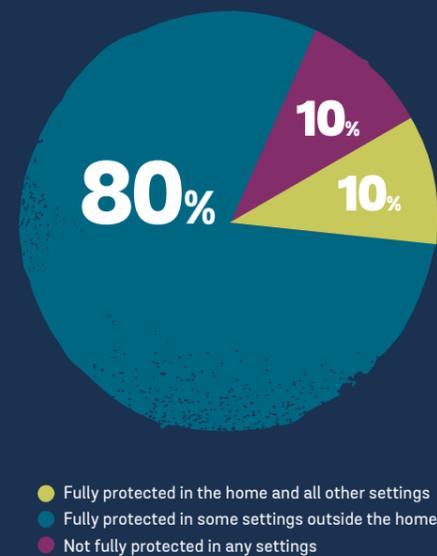
Global progress in numbers



Number of states worldwide prohibiting corporal punishment of children in law



Percentage of global child population fully protected in law from corporal punishment



...when we protect children from violence we support not only their development and growth, we also support the development of their societies, the growth of their economies, and ultimately, the strength and even the security of their countries. And when we fail to protect children from violence, we may reap what we sow.

ANTHONY LAKE, EXECUTIVE DIRECTOR, UNICEF AND FOUNDING CO-CHAIR OF THE BOARD OF THE GLOBAL PARTNERSHIP TO END VIOLENCE AGAINST CHILDREN.⁵⁵

55. Writing in the foreword to "End Violence Against Children – The Global Partnership, Strategy 2016–2020".



Global Initiative to
End All Corporal Punishment
of Children

The **Global Initiative to End All Corporal Punishment of Children** works with governments and non-governmental actors towards universal prohibition and elimination of corporal punishment of children.

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