

# Ensuring the dignity of the child – prohibiting all corporal punishment



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

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## Introduction

Inflicting corporal punishment on children – for whatever “reason” – breaches their rights to respect for their human dignity and to physical and mental integrity. Since the beginning of its work, the Committee on the Rights of the Child has consistently urged states, in implementing the Convention, to prohibit all corporal punishment of children. It confirmed in General Comment No. 8, adopted in 2006, that this is what is required. In the same year the recommendations of the UN Study on Violence against Children included prohibition of corporal punishment in all settings. Other international and regional human rights treaty monitoring bodies concur that prohibition is an obligation under international human rights law.

The legality of corporal punishment also violates children’s right to equal protection under the law, because adults the world over *are* legally protected from assault. Legalised violence against children is highly symbolic of children’s low status in societies, and is out of keeping with a view of children as human beings with inherent human dignity. Children are in the position today that in the past they shared with women, when it was perceived as men’s right to hit women because they were regarded as inferior and in need of control and discipline. The enactment of laws against domestic violence testifies to the acceptance of women as equal human beings with a right to respect for their human dignity. But children have been left behind.

Twenty years after the Convention was adopted – and thirty years since Sweden became the first country to achieve complete prohibition – only a small minority of children are growing up knowing that the law protects them from physical and mental assault in the name of “discipline”.

## Progress towards achieving prohibition in all settings

In recent years there has been significant progress towards achieving global prohibition of all corporal punishment. As at October 2009, 24 countries worldwide have enacted legislation which prohibits all corporal punishment of children in all settings, including within the family: Austria (1989), Bulgaria (2000), Costa Rica (2008), Croatia (1998), Cyprus (1994), Denmark (1997), Finland (1983), Germany (2000), Greece (2006), Hungary (2004), Iceland (2003), Israel (2000), Latvia (1998), Netherlands (2007), New Zealand (2007), Norway (1987), Portugal (2007), Republic of Moldova (2008), Romania (2004), Spain (2007), Sweden (1979), Ukraine (2003), Uruguay (2007), Venezuela (2007).

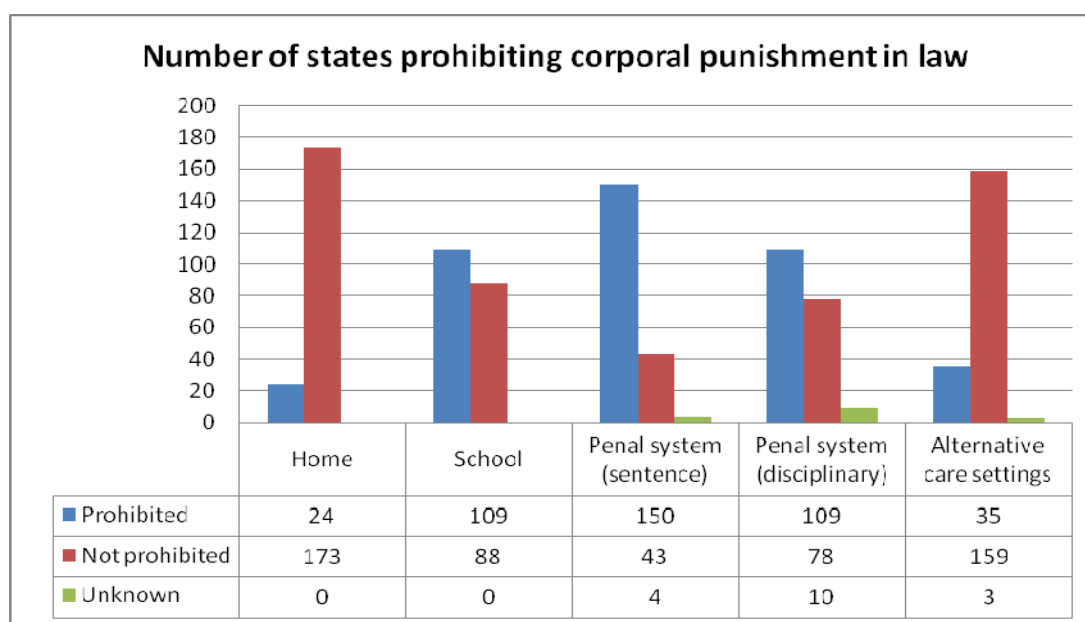
Governments in at least another 25 countries have made a commitment to prohibition in all settings in the near future and/or are considering prohibitionist Bills in their parliaments.

## But ...

Nearly all of the world's children – 96.8% in 173 states – are not yet legally protected from all corporal punishment within their homes. Governments in 154 of these have not as yet expressed a commitment to enacting full prohibition, and some argue openly against prohibition. A similar number of states (at least 159) have not prohibited corporal punishment in all forms of alternative care, 88 have not prohibited it in all schools and at least 78 have not prohibited it as a disciplinary measure in penal institutions.

There have been some significant advances in giving children legal protection from corporal punishment, for example by prohibiting corporal punishment in schools and in juvenile justice systems, but clearly this falls short of properly meeting obligations under the Convention on the Rights of the Child. All over the world, laws are being reformed ostensibly to harmonise them with the Convention but too often prohibition in the home is seen as being too “sensitive” an issue to pursue and parents and carers are allowed to go on hitting children with the full backing of the law.

And there are still at least 43 states which have not prohibited corporal punishment as a sentence of the courts. Children convicted of an offence can lawfully be ordered to be caned, whipped or flogged in: Antigua and Barbuda, Bangladesh, Barbados, Bolivia, Botswana, Brunei Darussalam, Colombia, Dominica, Ecuador, Eritrea, Grenada, Guatemala, Guinea, Guyana, India, Indonesia, Iran, Kiribati, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Nepal, Nigeria, Pakistan, Palestine, Qatar, St Kitts and Nevis, St Vincent and the Grenadines, Sao Tome, Saudi Arabia, Singapore, Somalia, Sudan, Swaziland, Tonga, Tuvalu, United Arab Emirates, United Republic of Tanzania, Vanuatu, Yemen, Zimbabwe.



## Further information

See [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org) or email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org) for:

- further information about progress towards prohibition worldwide
- details of resources to support law reform, including new FAQs and the Global Initiative Legal Reform Handbook – available in English, French and Spanish
- to sign up for the Global Initiative newsletter