

Global Initiative to End All Corporal Punishment of Children

Ending legalised violence against children

GLOBAL PROGRESS
TO DECEMBER 2016



Marking the 10th anniversary of the UN Secretary General's Study on Violence against Children

To achieve the world free from fear and violence to which we all aspire, we must build societies in which violent punishment of children is not legally or socially tolerated.

Paulo Sergio Pinheiro, Independent Expert who led the UN Study on Violence against Children; Chair, UN Independent International Commission of Inquiry on the Syrian Arab Republic

The aims of the Global Initiative – promoting the prohibition and elimination of all corporal punishment of children – are supported by UNICEF, UNESCO and many international and national organisations, including:

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Association for the Prevention of Torture
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Caribbean College of Paediatricians
Center for Effective Discipline, USA
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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. Child population figures are from UNICEF 2015 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).



Professor Paulo Sérgio Pinheiro
Independent Expert who led the UN Secretary General’s Study on Violence against Children; Chair, UN Independent International Commission of Inquiry on the Syrian Arab Republic

Ten years ago, the first World Report on Violence against Children was presented to the UN General Assembly, identifying violent punishment as the most common form of violence experienced by children in all regions. In leading the study, children told me of the pain – internal and external – they suffer when they are assaulted by those closest to them. The study set a deadline of 2009 for an end to this barbaric treatment of children, which would “mark a turning point – an end to adult justification of violence against children, whether accepted as ‘tradition’ or disguised as ‘discipline’”.

Ten years on from the study, there has been progress – monitoring by the Global Initiative shows the number of states prohibiting all corporal punishment has more than tripled from 16 to 51 – and progress has accelerated at an unprecedented rate in recent years. But still, children are lawfully assaulted by parents, carers and teachers, and still, parents, professionals and Governments try to find ways to justify the unjustifiable. Despite prohibition in over a quarter of all UN member states, only 10 % of the world’s children live in countries where they have full legal protection from all forms of corporal punishment. We know that prohibition of corporal punishment in law provides the essential foundation for eliminating it in practice. We must reform the law if we are to have any hope of ending corporal punishment – and we must do it now.



Benyam Dawit Mezmur
Chair, Committee on the Rights of the Child; Chair, African Committee of Experts on the Rights and Welfare of the Child

These reports from the Global Initiative highlight global progress towards ending violent punishment of children: 51 states have now prohibited all corporal punishment of children and another 55 states have clearly committed to do so. But even with the majority of UN member states supporting prohibition, children in the majority of states worldwide can still be lawfully hit and hurt where they should be safest – at home. This goes against children’s rights – their right to human dignity.

In the 2030 Agenda for Sustainable Development States have committed to end “all forms of violence against children”. Africa’s Agenda for Children 2040: Fostering an Africa Fit for Children provides that “[e]very child is protected against violence, exploitation, neglect and abuse” (aspiration 7) and that “[n]o child is subjected to corporal punishment.” To reach these targets, we cannot afford any delay – we must act now. True to form, the Committee on the Rights of the Child and the African Committee of Experts on the Rights and Welfare of the Child have continued to highlight the human rights obligations of states to prohibit corporal punishment in all settings, to promote the importance of positive discipline, and to ensure that prohibition is implemented effectively to protect children from violence.



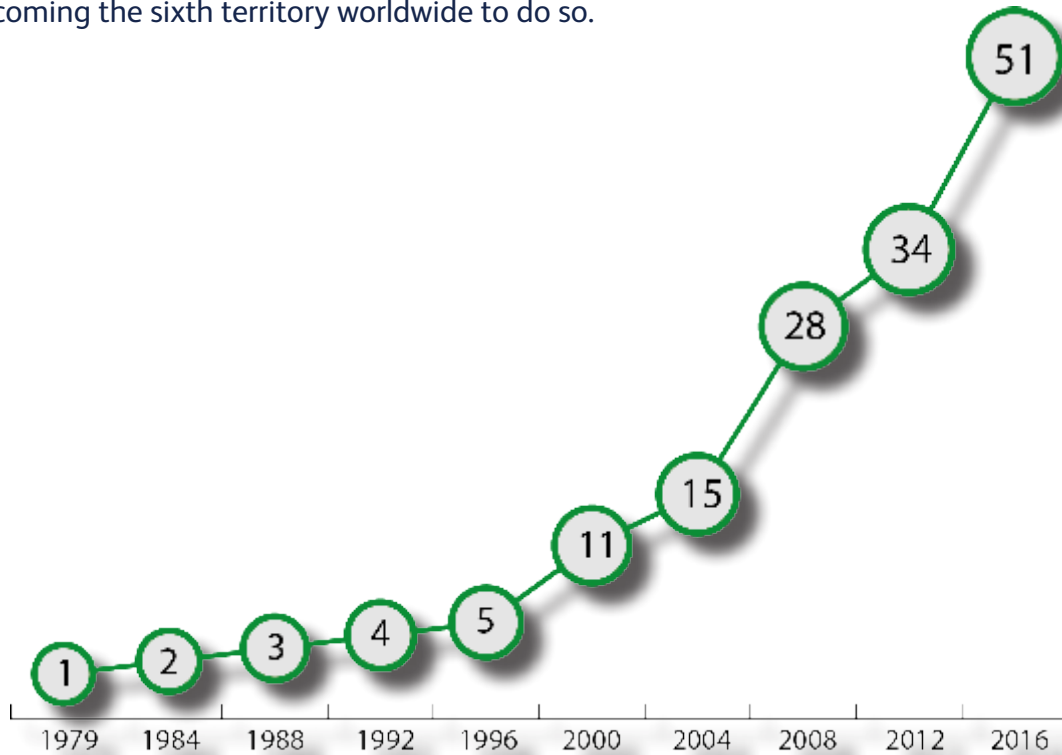
Marta Santos Pais
Special Representative of the UN Secretary General on Violence against Children

This year’s report from the Global Initiative comes at a significant moment. Ten years ago, the UN Study on Violence against Children was endorsed by the General Assembly of the United Nations and broke new ground by providing a global view of the magnitude and pervasive prevalence of violence against children. At that time, very few countries had prohibited through legislation the use of corporal punishment in schools or in justice or alternative care settings and only 16 countries had banned this form of violence within the home.

Ten years later, a steadily growing number of countries have committed to children’s protection from all forms of violence, including corporal punishment, and the number of those with an explicit and comprehensive legal prohibition has more than tripled. Despite this significant progress, the sense of urgency conveyed by the UN Study for all states to prohibit by law all forms of violence against children has yet to be answered fully. As we mark the UN Study’s tenth anniversary, we must ensure that the momentum behind comprehensive legal reform and enforcement continues to build. In this regard, the implementation of the 2030 Agenda for Sustainable Development, which commits all states to end all manifestations of violence against children by 2030, provides a unique opportunity to renew the impetus behind our common goal: ensuring all children grow up in a world free from violence and from fear!

Progress - and lack of - towards universal prohibition

Since we published our global report for 2015, three states – Mongolia, Paraguay and Slovenia – have prohibited all corporal punishment, including in the home, bringing the total number of prohibiting states to 51. Greenland – a self-governing territory within the Kingdom of Denmark – also enacted legislation prohibiting all corporal punishment of children, becoming the sixth territory worldwide to do so.



As part of the Universal Periodic Review of their overall human rights records, six more states – Micronesia, Mozambique, Namibia, Oman, Seychelles and Sierra Leone – clearly accepted recommendations to prohibit corporal punishment in all settings, bringing the number of states clearly committed to prohibiting all corporal punishment to 55. In many of these states, draft laws or bills are under discussion which would achieve prohibition, including for example in Chile, Guatemala, Lithuania, Mauritius and Montenegro.

States prohibiting corporal punishment in all settings

Albania; Andorra; Argentina; Austria; Benin; Bolivia; Brazil; Bulgaria; Cabo Verde; Congo, Republic of; 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; Paraguay; Peru; Poland; Portugal; Republic of Moldova; Romania; San Marino; Slovenia; South Sudan; Spain; Sweden; TFYR Macedonia; Togo; Tunisia; Turkmenistan; Ukraine; Uruguay; Venezuela

States committed 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; Namibia; Nepal; Niger; Oman; Pakistan; Palau; Panama; Papua New Guinea; Philippines; Rwanda; Samoa; Sao Tome and Principe; Serbia; Seychelles; Sierra Leone; Slovakia; South Africa; Sri Lanka; Tajikistan; Thailand; Timor-Leste; Turkey; Uganda; Zambia; Zimbabwe

But despite these significant advances, there are still 147 states where children can be lawfully hit in the family home, 140 where violent punishment remains lawful in alternative care settings and in day care, 69 where it is not prohibited in all schools and 60 lacking protection for children in penal institutions. In 34 states, children found to have committed an offence may be sentenced to corporal punishment under criminal, religious and/or traditional law; and in 17 states corporal punishment is not prohibited in any setting. Just 10 % of the world’s children live in states where the law recognises their right to protection from all violent punishment and to equal protection from assault.

States where corporal punishment is not prohibited as a sentence for crime

Afghanistan; Bahamas; Bangladesh; Barbados; Botswana; Brunei Darussalam; Colombia; Dominica; Ecuador; Grenada; Guyana; India; Indonesia; Iran; Kiribati; Libya; Malaysia; Maldives; Mauritania; Nigeria; Pakistan; Qatar; Saudi Arabia; Singapore; Somalia; St Vincent and the Grenadines; State of Palestine; Tonga; Tuvalu; United Arab Emirates; UR Tanzania; Vanuatu; Yemen; Zimbabwe

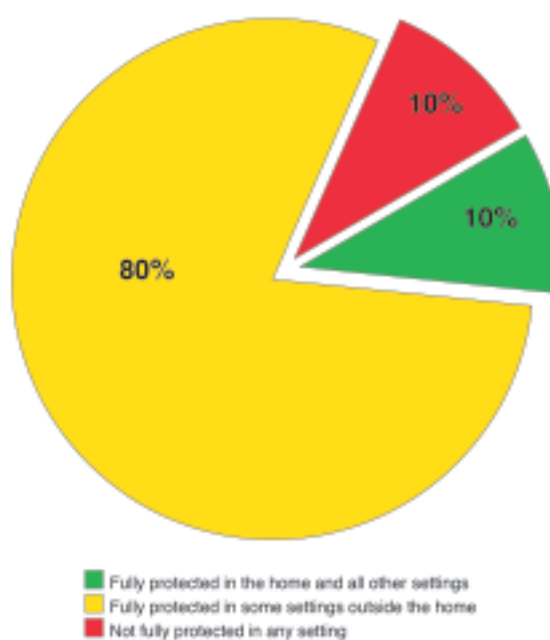
States where corporal punishment is not fully prohibited in any setting

Barbados; Botswana; Brunei Darussalam; Dominica; Grenada; Guyana; Malaysia; Maldives; Mauritania; Nigeria; Pakistan; Saudi Arabia; Singapore; Somalia; St Vincent and the Grenadines; State of Palestine; Tuvalu; UR Tanzania; Zimbabwe

The rough path of progress towards universal prohibition is illustrated by developments in 2016. In some states, positive developments have strengthened legal recognition of children’s rights but fallen short of achieving prohibition in all settings. In Uganda, the Children (Amendment) (No. 2) Bill was passed in March 2016, prohibiting corporal punishment in schools only – another Children (Amendment) Bill which would have prohibited corporal punishment in the home and all other settings had also been tabled in 2015 but was later withdrawn. Antigua and Barbuda and Eritrea achieved prohibition of corporal punishment as a sentence for children convicted of an offence and were taken off the list of states where corporal punishment is not fully prohibited in any setting, but corporal punishment remains lawful in the home, alternative care settings, day care, schools and penal institutions in both states.

There have also been setbacks. In Zambia, a referendum to adopt a draft Constitution which included prohibition of corporal punishment in its Bill of Rights did not succeed; 71 % of voters voted in favour of the amendments, but the turnout was not sufficient to validate the results. In some states, laws have been enacted which reassert justifications and authorisations for corporal punishment of children. In others, laws against family or gender-based violence continue to be enacted which ignore the most common form of violence against girls and boys – violent punishment by parents and carers.

This rocky road towards reform makes it all the more important to build on the growing – and majority – support for prohibition among UN member states.



Human rights - the rationale and foundation for prohibiting and eliminating corporal punishment

The UN Convention on the Rights of the Child, ratified by every state in the world except the US, imposes clear obligations on states to prohibit by law all corporal punishment of children, including in the home, and to ensure it is eliminated in practice. In monitoring implementation of the Convention by states parties, the Committee systematically reviews progress towards prohibiting corporal punishment and has to date made over 460 observations/recommendations on the issue to around 190 states.

Other international treaty bodies recommend prohibition and elimination of corporal punishment to states under their respective treaties, including the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee Against Torture, the

Committee on the Elimination of Discrimination Against Women and the Committee on the Rights of Persons with Disabilities, and the issue is frequently raised during the Universal Periodic Review of states' overall human rights record.

The issue is also pursued at regional level through the jurisprudence of the European Committee of Social Rights, the European Court of Human Rights, the African Committee of Experts on the Rights and Welfare of the Child, the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights.

For full details and analyses of all aspects of the human rights imperative to prohibit corporal punishment of children, see the Global Initiative website www.endcorporalpunishment.org

Increasing human rights pressure to prohibit corporal punishment in 2016

- *Prohibition of corporal punishment reviewed in the UPR* – the issue was raised with 30 of the 39 states reviewed in 2016; of the 26 states which received recommendations to prohibit corporal punishment, 10 accepted these recommendations, 8 rejected or noted the recommendations, 4 gave an unclear response, and 4 have yet to respond.
- *Mounting pressure from UN treaty bodies* – 31 states received recommendations to prohibit corporal punishment, including 26 states receiving recommendations from the Committee on the Rights of the Child. The obligation on states to prohibit all corporal punishment was also stated by the Committee on the Rights of the Child in its General Comment No.20 on the rights of the child during adolescence and by the Committee on the Rights of Persons with Disabilities in its General Comment No.4 on the right to inclusive education.
- *States held accountable for their progress (and lack of progress) by regional human rights bodies* – the African Committee of Experts on the Rights and Welfare of the Child raised the issue in its examination of all states but one this year.

Drafting prohibiting legislation - and using immediate opportunities to promote it

As at December 2016, 147 states have not fulfilled their obligation under the Convention on the Rights of the Child and other international and regional human rights treaties to enact legislation to prohibit all corporal punishment of children in all settings. It is vital that draft laws and bills which will achieve prohibition in each of these states are prepared as a matter of urgency, so that concrete proposals can be used to inform advocacy for prohibition.

Drafting laws which prohibit corporal punishment

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 to this rule, 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.



Participants at a workshop on promoting and achieving law reform to prohibit corporal punishment, Bangkok, June 2016



Participants at a workshop on promoting and achieving law reform to prohibit corporal punishment, Dhaka, June 2016

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.

Using immediate opportunities for law reform to achieve prohibition

The review, revision and drafting of laws relating to children, including laws on the family, education and juvenile justice, present opportunities to promote and enact prohibition of corporal punishment. The revision and enactment of criminal and civil codes are also key opportunities for prohibiting corporal punishment. As at December 2016, opportunities like these exist in at least 127 states: in 24, the draft laws/bills under discussion include or are reported to include prohibition of all corporal punishment; in 12, prohibition is being considered only in settings outside the home. Urgent action is needed to ensure that prohibition is drafted and promoted in the context of reforms in all states.

Ending violent punishment - critical to sustainable development

Sustainable development agenda 2030

Ending violent punishment – the most common form of violence against children – is fundamental to creating the “world free of fear and violence ... of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination” envisaged by the 2030 Agenda for Sustainable Development. In adopting the 2030 Agenda, states have committed to work to “End abuse, exploitation, trafficking and all forms of violence against and torture of children” (target 16.2).



In March 2016, the UN Statistical Commission adopted the three indicators which will be used to monitor progress towards this target, including 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”. The adoption of this indicator recognises the centrality of prohibiting and eliminating corporal punishment for ending all violence against children and achieving other Sustainable Development Goals, including those on health, education, violence against women and girls and equality.

Since prohibition of corporal punishment was recommended as a matter of urgency in the UN Study on Violence against Children in 2006, the number of states prohibiting all corporal punishment of children has more than tripled, from 16 to 51. At this rate, universal prohibition by 2030 is an entirely realistic target. But 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.

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 indicator 16.2.1 by 2030, they must begin the process NOW!

“The year 2030 is a long way off ... we cannot in all conscience set 2030 as the goal for prohibiting all corporal punishment of children. We must show more foresight than that. 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; Chair, UN Independent International Commission of Inquiry on the Syrian Arab Republic, speaking at the High Level Global Conference, “Towards Childhoods free from Corporal Punishment”, Vienna, 1-2 June 2016

In July 2016, at the High Level Political Forum on Sustainable Development, 22 states underwent voluntary review under the 2030 Agenda. The Global Initiative published a briefing ahead of the forum, setting out for each of the states reviewed, the latest information on prevalence of violent punishment, the law reform that is necessary in order to achieve prohibition of violent punishment in all settings, and urging all states which have not yet prohibited violent punishment of children to speedily move to do so, as a critical step towards fulfilment of the 2030 Agenda. The briefing is available at www.endcorporalpunishment.org.

Ending violent punishment as part of a regional development agenda

Africa’s Agenda for Children 2040: Fostering an Africa Fit for Children was adopted by the African Committee of Experts on the Rights and Welfare of the Child in October 2016, at its 28th Ordinary Session. The agenda presents measurable goals and priority areas which are aligned with Aspiration 6 of the African Union Agenda 2063: “An Africa whose development is people-driven, relying on the potential of African people, especially its women and youth, and caring for children.” The Agenda for Children is articulated around ten aspirations, including a commitment by states to ensure “Every child is protected against violence, exploitation, neglect and abuse” (Aspiration 7). The goals set out under this aspiration include that by 2040, “No child is subjected to corporal punishment.” African Union Member States are expected to endorse the Agenda for its full implementation.



Global movements to end violent punishment and all violence against children

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

High Level Global Conference “Towards Childhoods free from Corporal Punishment”

In June 2016, the Austrian Government hosted an intergovernmental conference in Vienna attended by representatives from 70 states, marking the 10th anniversary of the presentation of the UN Study on Violence against Children to the General Assembly, celebrating progress towards universal prohibition and elimination of all violent punishment of children and building momentum for further reform. Participants adopted a Resolution declaring legal prohibition “a critical foundation for changing social norms” and committing “to work collaboratively and individually, at international, regional and national levels, to speed progress towards universal and effective legal prohibition of all violent punishment of children in all settings of their lives.”

The conference followed the inaugural high level global conference hosted by the Swedish Government in 2014. The Global Initiative prepared a special report ahead of the event outlining how states can work

collaboratively towards universal prohibition of violent punishment – the report is freely available at www.endcorporalpunishment.org. The next global conference will be hosted by the Maltese Government in 2018.

Global Partnership to End Violence Against Children
www.end-violence.org



**End Violence
Against Children**
THE GLOBAL PARTNERSHIP

In July 2016, in response to commitment by the world’s governments to end all forms of violence against children (target 16.2 of the 2030 Sustainable Development Agenda) the Global Partnership to End Violence Against Children, an associated Fund to End Violence Against Children, and INSPIRE: Seven Strategies for Ending Violence Against Children, were launched in New York. The INSPIRE package includes the implementation and enforcement of laws banning all violent punishment of children, and presents evidence that laws can reduce the use of violent punishment against children, deepen understanding of its negative effects and change attitudes towards its use. The partnership aims to support those working to prevent and respond to violence, protect childhood and make societies safe for children. As at December 2016, 12 countries have initiated steps towards “pathfinder” status under the partnership: El Salvador, Indonesia, Jamaica, Mexico, Nigeria, Paraguay, Philippines, Romania, Sri Lanka, Sweden, Tanzania and Uganda.

High Time to End Violence against Children www.endviolenceagainstchildren.org

In March 2016, a new global campaign was launched by the Special Representative of the UN Secretary General on Violence against Children in Geneva alongside the 31st session of the Human Rights Council. High Time to End Violence against Children aims to end all forms of violence against children (target 16.2 of the new Sustainable Development Agenda 2030) through the power of commitment and action, engagement and people's time and talent. The initiative invites governments, organisations, institutions, companies and individuals to sign a pledge and commit to join or create a circle of non-violence.



Growing faith-based support for prohibition

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

Ashwin Trikamjee, Hindu President, Andhra Maha Sabha of South Africa, 2016

Religious leaders have a pivotal role in challenging those who seek to use their faith to justify corporal punishment. And they are increasingly working with others to help speed up progress to end the legality and acceptance of this most common form of violence against children.

In May 2016 Commissioners at the General Assembly of the Church of Scotland voted in favour of calling on Scottish ministers and parliamentarians to acknowledge the recommendations of the UN Convention on the Rights of the Child and remove the defence of “justifiable assault” from the Criminal Justice (Scotland) Act 2003. They stated: “We now add the Churches’ voice to many other organisations to call upon the Scottish Government to remove the defence of justifiable assault, granting children the same rights that every adult enjoys in this area.” Commissioners agreed that “corporal punishment of children must be recognised as a violent act and violence is damaging to mental and physical health.”

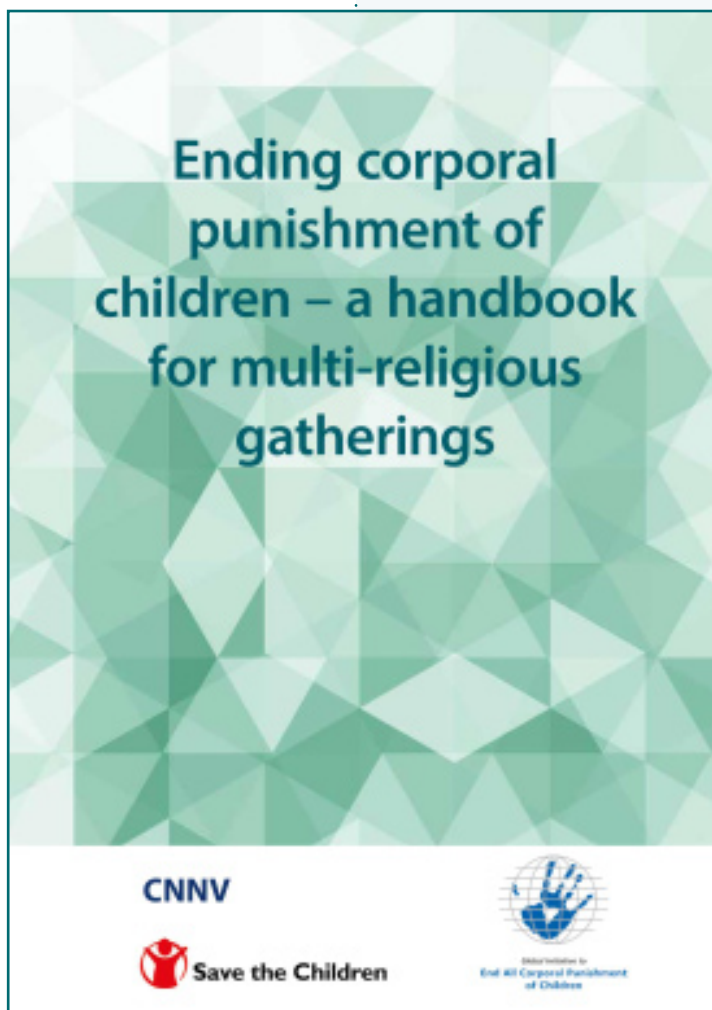
In challenging the legality of corporal punishment the Church of Scotland has taken a vital step

towards raising the status of children in society. Violent punishment in the guise of discipline is deeply disrespectful and perpetuates children’s powerlessness and low status, leaving the way open to all other forms of extreme violence and exploitation against children. The Church has made it clear that corporal punishment of children is incompatible with religious values.

Faith-based advocacy for prohibition has continued to grow since the publication of the UN Global Report on Violence against Children (2006). Supported by UNICEF and Religions for Peace, religious leaders from the major religions gathered in Toledo, Spain in May, 2006 to discuss a multi-religious response to the report’s recommendations. One of the outcomes was a declaration: “A Multi-religious Commitment to Confront Violence against Children” known as the Kyoto Declaration. Over the last decade the Declaration has provided a guide for multi-religious collaboration towards ending violence against children, including corporal punishment.

“The role of multi-religious collaboration is essential to bring together people of different faiths joining on a common platform and using their authoritative voice to promote children’s right to a life with dignity, where fear and violence have no place, and to prevent the misuse of religious teachings and sacred texts to justify or condone any violent punishment of children”

Marta Santos Pais, Special Representative of the United Nations Secretary General on Violence against Children, 2016



To mark the 10th anniversary of the Kyoto Declaration the Global Initiative, CNNV and Save the Children published a new guide for reflection and discussion. The guide is contained in “Ending corporal punishment of children – a handbook for multi-religious gatherings” and is also available separately in booklet form from

www.endcorporalpunishment.org.

Although there has been considerable progress, the strength of resistance to law reform highlights the extent to which violent punishment of children is entrenched in culture, religion and tradition. Every year, thousands of children die or are permanently injured as a result of corporal punishment and religious leaders have a unique role in countering religious justification for it. Speaking at a seminar in Geneva in 2015, entitled “Responsibility of religious leadership to prevent violence against children”, Dr William Vendley, Secretary General of Religions for Peace stated: “To be faithful is not simply to repeat a tradition but to be creative in a new situation...We must desacralize those traditions which cause harm.”

Religious leaders and communities also have a significant role to play after prohibition has been achieved. They can use their unique position in the community to work with others to help transform the attitudes

and cultural practices which may have their origin in religious tradition and teaching. Religious leaders can also play a significant role in creating awareness of the implications of the law and evaluating the impact of law reform.

Universal prohibition of violent punishment of children is inevitable. How long children have to wait depends on the strength of advocacy and the resolve and sense of urgency with which we all work together towards achieving children’s right to full respect for their human dignity and to equal protection under the law. Religious leaders and their communities have a crucial part to play.



Mounting research on corporal punishment

The most common form of violence against children worldwide

UNICEF data from 62 states published in 2014 found violent “discipline” (psychological aggression and/or physical punishment) to be the most common form of violence against children, experienced by children in all regions. On average, six in ten (almost a billion) 2-14 year olds had been physically punished at home in the past month. Data published in 2016 under round five of UNICEF’s Multiple Indicator Cluster Survey (MICS) programme found continued high rates across all regions – in Belize (65%), Dominican Republic (63%), Guinea-Bissau (82%), Kazakhstan (53%), Mali (73%), Mauritania (80%), Mexico (63%), Pakistan (81% in Punjab), Sao Tome and Principe (80%) and Sudan (64%).

Negative outcomes of any degree of physical punishment confirmed through new research

Research into the effects of corporal punishment on children’s behaviour has consistently found associations with a range of negative outcomes for children. In 2016, a major study examined 50 years of research involving over 160,000 children, in the most complete analysis to date of the outcomes associated with spanking. Excluding other types of physical punishment, the study confirmed associations specifically between spanking (defined as an open-handed hit on the behind or extremities) and 13 negative outcomes for children. It found the more children are spanked, the more likely they are to defy their parents and to experience increased aggression and anti-social behaviour, mental health problems and cognitive difficulties. They were also more likely to support physical punishment for their own children, which highlights one of the key ways that attitudes toward physical punishment are passed from generation to generation. The study found spanking was not associated with more immediate or long-term compliance, which are parents’ intended outcomes when they discipline their children.

“The international evidence could not be any clearer – physical punishment has the potential to damage children and carries the risk of escalation into physical abuse. It is now time for action... Legal reform to protect all children fully against assault is a simple but fundamental preventative measure. Governments can no longer simply wait until public attitudes towards physical punishment change sufficiently to allow legal change to be ushered in without controversy. They must stand up for the change they purport they want to see. Urgent action is needed, now.”

Professor Sir Michael Marmot, University College London, writing in the foreword to “Equally Protected? A review of the evidence on the physical punishment of children” (2015)

States which have achieved prohibition

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 acknowledging children as holders of human rights, but from children’s perspective there is no justification. The table lists for each state the law that eventually extended prohibition to the home (in some, further law reform has since reiterated prohibition). We hope that prohibiting legislation adopted by future states will, in contrast to this incremental approach, comprehensively address all settings of children’s lives at once.

Albania	Law on the Protection of the Rights of the Child 2010
Andorra	2014 amendments to Criminal Code 2005
Argentina	Civil and Commercial Code 2014
Austria	General Civil Code as amended 1989
Benin	Children's Code 2015
Bolivia	Children and Adolescents Code 2014
Brazil	2014 amendments to Children and Adolescents Code 1990
Bulgaria	Child Protection Act 2000 (amended 2003) and Regulations on the Implementation of the Child Protection Act 2003
Cabo Verde	Law on Children and Adolescents 2013
Congo, Rep. 2010	Law on the Protection of the Child 2010
Costa Rica	2008 amendments to Code on Children and Adolescents and Family Code
Croatia	Family Act 1998, replaced by Family Act 2003
Cyprus	Violence in the Family (Prevention and Protection of Victims) Law 1994
Denmark	1997 amendment to Parental Custody and Care Act 1995
Estonia	Child Welfare Act 2014
Finland	Child Custody and Rights of Access Act 1983
Germany	2000 amendment to Civil Code
Greece	Law 3500/2006 on the Combating of Intrafamily Violence
Honduras	2013 amendments to Family Code and Civil Code
Hungary	2004 amendment to Child Protection Act
Iceland	Children's Act 2003
Ireland	2015 amendment to Offences Against the Person (Non Fatal) Act 1997
Israel	2000 repeal of "reasonable chastisement" defence
Kenya	Constitution 2010
Latvia	Children's Rights Protection Law 1998
Liechtenstein	Children and Youth Act 2008

Luxembourg	Law on Children and the Family 2008
Malta	2014 amendment to Criminal Code
Mongolia	Law on Child Protection 2016 and the Law on the Rights of Children 2016
Netherlands	2007 amendment to Civil Code
New Zealand	Crimes (Substituted Section 59) Amendment Act 2007
Nicaragua	Family Code 2014
Norway	1987 amendment to Parent and Child Act 1981
Paraguay	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 2016
Peru	Law prohibiting the use of physical and other humiliating punishment against children and adolescents 2015
Poland	2010 amendments to Family Code
Portugal	2007 amendment to Penal Code
Rep. Moldova	2008 amendments to Family Code
Romania	Law on Protection and Promotion of the Rights of the Child 2004
San Marino	2014 amendments to Penal Code and Law of 1986 No. 49 on Family Law Reform
Slovenia	2016 amendment to Law on Prevention of Family Violence
South Sudan	Transitional Constitution 2011
Spain	2007 amendment to Civil Code
Sweden	1979 amendment to Parenthood and Guardianship Code
TFYR Macedonia	2013 Law on Child Protection
Togo	Children's Code 2007
Tunisia	2010 amendment to Penal Code
Turkmenistan	Law on Guarantees of the Rights of the Child 2002
Ukraine	Family Code 2003
Uruguay	2007 amendments to Civil Code and Children and Adolescents Code 2004
Venezuela	2007 amendments to Law for the Protection of Children and Adolescents 1998

Moving from prohibition to elimination of corporal punishment

The ultimate goal of prohibiting corporal 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, and when breached the law can be enforced appropriately according to the circumstances of the case. But implementing the law is not only about responding to adults who violently punish children. It is primarily about transforming attitudes and practice, creating a shift around social norms in childrearing, so that physical punishment is no longer seen as acceptable.

Measures to accompany/follow prohibition in order to achieve lasting change in attitudes and practice around physical punishment, include:

- Wide dissemination and explanation of the law and its implications
- Detailed guidance, for everyone involved, on how the law prohibiting violent punishment should be implemented in the best interests of children
- Communication of children's right to protection from corporal punishment and all other cruel or degrading forms of punishment to children and adults
- Promotion of positive, non-violent forms of discipline to parents, carers, teachers, and so on, and support in moving from physical to more positive forms of discipline
- Dissemination of information on the dangers of corporal punishment
- Integration of implementation or enforcement of the ban into the national and local child protection system
- Identification of key public figures and a wide range of partners who can support implementation of the law and transformation of attitudes
- Evaluation of the impact of law reform and other measures, by conducting a baseline survey to establish the prevalence of, and attitudes towards, corporal punishment, and regular follow-up surveys, interviewing children and parents, to monitor any shifts in social norms
- Attraction of necessary resources

Attitudinal research in prohibiting states published in 2016

An examination of long term attitude change in New Zealand based on findings from public opinion surveys over the last three decades, found a substantial decline in approval of physical punishment from 89 % in 1981, 58 % in 2008, to 40 % in 2013. The steepest declines were found to have occurred during the 1990s following prohibition of physical punishment in schools and the start of public education campaigns, and then during the period after prohibition in all settings was achieved in 2007. In Finland, where corporal punishment has been prohibited in all settings since 1983, a survey of 1,005 people conducted in 2016 found 71 % of adults “don't accept at all” corporal punishment of children; just 5 % said it was acceptable as a means of teaching children a lesson.

In 2016, the Global Initiative commenced research in all states that have achieved prohibition of all corporal punishment in order to identify how the ban has been/is being implemented, and what impact it has had. The purpose of the research is to support states that have achieved prohibition in moving towards elimination, by sharing examples of good practice, and to support states that have not yet prohibited in all settings to do so. We welcome any information or contacts that you may be able to provide – please contact us at info@endcorporalpunishment.org.

Progress in states still to complete law reform

The following information has been compiled from many sources, including reports to and by the United Nations human rights treaty bodies. Information in square brackets is unconfirmed. We are very grateful to government officials, UNICEF and other UN agencies, NGOs and human rights institutions, and many individuals who have helped to provide and check information. Please let us know if you believe any of the information to be incorrect: info@endcorporalpunishment.org. For further details on all states see the individual state reports at 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 institution	Prohibited as sentence for crime
Italy	NO	YES	YES	YES	YES	YES
Nepal	NO	NO	NO	NO	NO	YES

States expressing commitment to law reform in 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.

<i>States committed to law reform ...</i>						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institution	Prohibited as sentence for crime
Afghanistan	NO	NO	SOME	YES	NO	NO
Algeria	NO	NO	NO	YES	NO	YES
Angola	NO	NO	NO	NO	NO	YES
Armenia	NO	SOME	NO	YES	YES	YES
Azerbaijan	NO	NO	NO	YES	YES	YES
Bangladesh	NO	NO	NO	YES	NO	NO
Belize	NO	SOME	SOME	YES	SOME	YES
Bhutan	NO	NO	NO	NO	[YES]	YES
Bosnia and Herzegovina	SOME	SOME	SOME	YES	YES	YES
Burkina Faso	NO	NO	SOME	SOME	[YES]	YES
Chile	NO	NO	NO	YES	YES	YES
Comoros	NO	NO	NO	NO	NO	[YES]
Cuba	NO	[SOME]	[SOME]	[YES]	YES	YES
Dominican Republic	NO	NO	NO	YES	YES	YES
Ecuador	NO	NO	SOME	YES	YES	SOME
El Salvador	NO	NO	SOME	YES	YES	YES
Fiji	NO	NO	NO	YES	YES	YES
Georgia	NO	[SOME]	NO	YES	YES	YES

<i>States committed to law reform ...</i>						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institution	Prohibited as sentence for crime
Guinea-Bissau	NO	[NO]	[NO]	[YES]	[YES]	YES
India	NO	SOME	NO	SOME	YES	SOME
Kiribati	NO	NO	NO	YES	NO	NO
Kyrgyzstan	NO	SOME	NO	YES	[YES]	YES
Lithuania	NO	NO	SOME	YES	YES	YES
Marshall Islands	NO	NO	NO	[YES]	NO	YES
Mauritius	NO	NO	[SOME]	YES	NO	YES
Mexico	NO	SOME	SOME	YES	YES	YES
Micronesia	NO	NO	NO	[YES]	NO	YES
Montenegro	NO	NO	SOME	YES	YES	YES
Morocco	NO	NO	NO	NO	YES	YES
Mozambique	NO	NO	NO	NO	YES	YES
Namibia	NO	SOME	SOME	YES	YES	YES
Niger	NO	NO	NO	NO	NO	YES
Oman	NO	NO	[SOME]	YES	NO	[YES]
Pakistan	NO	NO	NO	SOME	SOME	SOME
Palau	NO	NO	NO	NO	NO	YES
Panama	NO	NO	NO	NO	YES	YES
Papua New Guinea	NO	SOME	NO	NO	YES	YES
Philippines	NO	YES	YES	YES	YES	YES
Rwanda	NO	NO	NO	YES	YES	YES
Samoa	NO	NO	SOME	SOME	YES	YES
Sao Tome and Principe	NO	NO	NO	[YES]	[YES]	[YES]
Serbia	NO	NO	SOME	YES	YES	YES
Seychelles	NO	NO	NO	NO	NO	YES
Sierra Leone	NO	NO	NO	NO	YES	YES
Slovakia	NO	YES	YES	YES	YES	YES
South Africa	NO	YES	YES	YES	YES	YES
Sri Lanka	NO	NO	NO	NO	SOME	YES
Tajikistan	NO	NO	SOME	YES	NO	YES
Thailand	NO	NO	NO	YES	YES	YES
Timor-Leste	NO	NO	NO	NO	YES	YES
Turkey	NO	NO	NO	YES	YES	YES
Uganda	NO	NO	NO	YES	YES	YES
Zambia	NO	NO	SOME	YES	YES	YES
Zimbabwe	NO	NO	NO	NO	NO	NO

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.

<i>States without a clear commitment to law reform ...</i>						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institution	Prohibited as sentence for crime
Antigua and Barbuda	NO	NO	NO	NO	NO	YES
Australia	NO	SOME	SOME	SOME	SOME	YES
Bahamas	NO	SOME	NO	NO	[YES]	[NO]
Bahrain	NO	NO	NO	YES	NO	YES
Barbados	NO	NO	SOME	NO	NO	NO
Belarus	NO	NO	NO	YES	YES	YES
Belgium	NO	SOME	NO	YES	YES	YES
Botswana	NO	NO	NO	NO	NO	NO
Brunei Darussalam	NO	NO	SOME	NO	NO	NO
Burundi	NO	NO	NO	[YES]	NO	YES
Cambodia	NO	NO	NO	YES	YES	YES
Cameroon	NO	NO	[SOME]	YES	[YES]	YES
Canada	NO	SOME	SOME	YES	YES	YES
Central African Republic	NO	NO	NO	NO	NO	YES
Chad	NO	[SOME]	[SOME]	YES	[YES]	YES
China	NO	[NO]	SOME	YES	YES	YES
Colombia	NO	[SOME]	NO	[YES]	[YES]	SOME
Cook Islands	NO	NO	SOME	YES	NO	YES
Cote d'Ivoire	NO	NO	NO	NO	YES	YES
Czech Republic	NO	SOME	SOME	YES	YES	YES
Djibouti	NO	NO	NO	[YES]	NO	YES
Dominica	NO	NO	SOME	NO	NO	NO
DPR Korea	NO	NO	NO	[NO]	[YES]	[YES]
DR Congo	NO	NO	NO	YES	NO	YES
Egypt	NO	NO	NO	[NO]	[YES]	YES
Equatorial Guinea	NO	NO	NO	NO	NO	YES
Eritrea	NO	NO	NO	NO	[NO]	YES
Ethiopia	NO	SOME	SOME	YES	YES	YES
France	NO	NO	NO	YES	YES	YES
Gabon	NO	NO	SOME	YES	YES	YES
Gambia	NO	NO	NO	NO	NO	YES
Ghana	NO	NO	NO	NO	SOME	YES
Grenada	NO	SOME	NO	NO	NO	NO
Guatemala	NO	NO	NO	NO	YES	YES
Guinea	NO	NO	NO	NO	[NO]	YES

<i>States without a clear commitment to law reform ...</i>						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institution	Prohibited as sentence for crime
Guyana	NO	SOME	SOME	NO	SOME	SOME
Haiti	NO	[YES]	[YES]	YES	YES	YES
Indonesia	NO	NO	NO	NO	YES	SOME
Iran	NO	NO	SOME	NO	YES	NO
Iraq	NO	NO	NO	NO	SOME	YES
Jamaica	NO	YES	SOME	NO	YES	YES
Japan	SOME	NO	NO	YES	NO	YES
Jordan	NO	[SOME]	[NO]	YES	[YES]	YES
Kazakhstan	NO	[SOME]	SOME	YES	YES	YES
Kuwait	NO	NO	NO	YES	[YES]	[YES]
Lao PDR	NO	NO	SOME	YES	YES	YES
Lebanon	NO	NO	NO	NO	[YES]	YES
Lesotho	NO	NO	NO	NO	YES	YES
Liberia	NO	SOME	SOME	NO	YES	YES
Libya	NO	NO	SOME	YES	NO	NO
Madagascar	NO	NO	NO	[YES]	NO	YES
Malawi	NO	SOME	SOME	[YES]	YES	YES
Malaysia	NO	NO	NO	NO	NO	NO
Maldives	NO	NO	NO	NO	NO	NO
Mali	NO	NO	SOME	YES	YES	YES
Mauritania	NO	NO	NO	NO	NO	NO
Monaco	NO	NO	NO	YES	YES	YES
Myanmar	NO	NO	NO	NO	NO	YES
Nauru	NO	NO	[SOME]	YES	YES	[YES]
Nigeria	NO	NO	NO	NO	SOME	SOME
Niue	NO	NO	NO	NO	[YES]	YES
Qatar	NO	NO	NO	NO	YES	NO
Republic of Korea	SOME	SOME	SOME	SOME	YES	YES
Russian Federation	NO	NO	SOME	YES	YES	YES
Saudi Arabia	NO	NO	NO	NO	NO	NO
Senegal	NO	NO	NO	SOME	[YES]	YES
Singapore	NO	NO	SOME	NO	NO	NO
Solomon Islands	NO	NO	NO	NO	YES	YES
Somalia	NO	SOME	SOME	[SOME]	SOME	SOME
St Kitts and Nevis	NO	NO	NO	NO	NO	[YES]
St Lucia	NO	NO	NO	NO	NO	YES
St Vincent and the Grenadines	NO	NO	NO	NO	NO	NO
State of Palestine	NO	NO	NO	SOME	[SOME]	[SOME]
Sudan	NO	NO	NO	SOME	NO	[YES]

<i>States without a clear commitment to law reform ...</i>						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institution	Prohibited as sentence for crime
Suriname	NO	NO	NO	NO	YES	YES
Swaziland	NO	NO	NO	NO	NO	YES
Switzerland	NO	[SOME]	YES	YES	YES	YES
Syrian Arab Republic	NO	NO	NO	NO	NO	YES
Taiwan	NO	NO	[SOME]	YES	YES	YES
Tonga	NO	NO	SOME	YES	[YES]	NO
Trinidad and Tobago	NO	YES	YES	YES	YES	YES
Tuvalu	NO	SOME	NO	NO	SOME	SOME
UK	NO	SOME	SOME	YES	YES	YES
United Arab Emirates	NO	NO	NO	YES	[YES]	NO
UR Tanzania	NO	SOME	NO	NO	SOME	SOME
USA	NO	SOME	SOME	SOME	SOME	YES
Uzbekistan	NO	NO	NO	YES	YES	YES
Vanuatu	NO	NO	NO	YES	YES	SOME
Viet Nam	NO	NO	NO	YES	YES	YES
Western Sahara	NO	[NO]	[NO]	[NO]	[YES]	[YES]
Yemen	NO	NO	[SOME]	YES	YES	NO



Let us truly dedicate ourselves to action. Let us condemn in the strongest possible terms all violent punishment of children, denouncing all attempts to justify or defend it, and pledge to change our laws so that children are fully legally protected from punitive assault – and let us resolve in our hearts as well as our minds to make this the first step towards truly changing the world so that every child can grow up free from violence.

Paulo Sérgio Pinheiro, Independent Expert who led the UN Study on Violence against Children; Chair, UN Independent International Commission of Inquiry on the Syrian Arab Republic, speaking at “10 years on, the Study on Violence against Children – past, present and future”, Geneva, 27 September 2016

Marking the 10th anniversary of the UN World Report on Violence against Children, this report celebrates the achievement of the now 51 states which have prohibited all corporal punishment of children, and the 55 which have committed to do so. It highlights accelerating progress in recent years towards universal prohibition, and new global platforms to actively pursue further reform. But a decade after the World Report called for an immediate end to all violent punishment of children, 90 % of the world’s children live in countries that do not legally recognise their rights to respect for their human dignity and physical integrity, and to equal protection in law. We must take urgent action against the legal and social acceptance of violent punishment of children and work together to build a new norm characterised by peaceful, respectful and non-violent relationships.



Global Initiative to
End All Corporal Punishment
of Children

The Global Initiative to End All Corporal Punishment of Children promotes universal prohibition and elimination of corporal punishment and freely offers technical support and advice on all aspects of law reform.

Visit the Global Initiative’s website for detailed individual reports on every state and territory, global and regional legality tables, immediate opportunities to promote law reform, and global, regional and thematic resources to support advocacy, including reviews of research on corporal punishment: www.endcorporalpunishment.org



Save the Children

Save the Children opposes all corporal punishment and other humiliating punishment of children and works for its universal prohibition and elimination.

Save the Children’s online resource centre is an important knowledge sharing platform, offering open access to over 5,000 quality-assured materials from Save the Children and other publishers working in child protection and other thematic areas: www.resourcecentre.savethechildren.se

For information about the UN Secretary General’s Study on Violence against Children, see www.unviolencestudy.org