

Prohibiting corporal punishment of children in schools – A requirement to realising children’s right to education in Africa

Briefing for the Day of the African Child 2014, from Sonia Vohito, African Project Coordinator, Global Initiative to End All Corporal Punishment of Children (vohito@endcorporalpunishment.org), May 2014



This briefing is a contribution to the Day of the African Child 2014 theme “**A child friendly, quality, free and compulsory education for all children in Africa**”.

Corporal punishment has long been used in schools and is widely socially accepted in the education profession, in Africa and beyond. Inflicted in the guise of “discipline”, it seriously breaches children’s rights to physical integrity and respect for their human dignity. Prohibiting and eliminating corporal punishment of children in schools is central in ensuring a quality education for children in Africa. We therefore urge organisations working on children’s right to education in Africa, including NGOs, CSOs and NHRIs, to use the opportunities presented by the 2014 Day of the African Child to:

- highlight to African governments the obligation under international and regional human rights law to prohibit and eliminate all corporal punishment of children, and
- ensure that the issue is included in their existing and planned work on the right to education, violence against children and other related areas of concern.

Introduction

Corporal punishment of children is almost universally socially and culturally accepted as a means of punishing or “disciplining” children in childrearing and in the school setting. In schools, its use is often supported by strongly held beliefs that corporal punishment is necessary and effective in managing school discipline. Hitting and hurting a child for this purpose is seen not as violence but as being for the good of the child and even part of teachers’ “duty”, who themselves may have experienced it during their own schooldays; positive, non-violent approaches to discipline alone are considered inadequate. These beliefs are often justified by traditions, particular interpretations of religious texts and a lack of knowledge of positive discipline methods, and are confirmed in laws which authorise corporal punishment, regulate how it should be inflicted and provide legal defences allowing teachers, parents and others charged with assault or child cruelty to claim that their actions constituted “reasonable chastisement”, “moderate correction”, etc. Resistance to efforts to enact laws to prohibit corporal punishment in schools frequently takes the form of claims that corporal punishment is in children’s “best interests”, or will instil “good behaviour” in the classroom.

There has been accelerating progress towards law reform in Africa, with five African states prohibiting all corporal punishment of children, including in the home, and 25 prohibiting it in all schools. However, the pace of reform is still slow. Too many governments on the one hand

claim to support ending all forms of violence against children, while on the other they fail to prohibit violence inflicted in the name of “discipline”. In some states, corporal punishment is prohibited in primary schools but not in secondary schools or in preschool education settings. **Prohibiting and eliminating corporal punishment in all schools is essential in ensuring a child friendly and quality education for all children in Africa.**

The human rights imperative to ensure quality education includes the obligation to prohibit corporal punishment in schools

The **African Charter on the Rights and Welfare of the Child** requires States Parties to ensure that discipline by parents and at school respects the child’s human dignity (articles 11 and 20) and that children are protected from all forms of torture and inhuman or degrading treatment by parents and others caring for the child (article 16) and in detention (article 17). The Committee of Experts on the Rights and Welfare of the Child, monitoring implementation of the Charter, has expressed concern about the magnitude of violence against children in the community including in schools (see box below).

The **African Charter on Human and Peoples’ Rights** states that everyone should have equal protection of the law (article 3), respect for personal integrity (article 4) and respect for human dignity (article 5) and prohibits torture and cruel, inhuman or degrading punishment and treatment (article 5).

“The family, the school, the community, privileged places of socialisation and education above all else are worryingly and more and more becoming stages of several scenes of violence against children committed by children, parents, teachers and guardians.

“... The notions deeply rooted in the social and cultural norms and traditions which accept, tolerate and indeed encourage violence, including sexist clichés, racial or ethnic discrimination, the acceptance of corporal punishment and other harmful traditional practices should be publicly condemned and eliminated. The harmful consequences that all forms of violence can have on children should be widely publicised.

“... Children’s schooling free from violence is a guarantee of continuity of our society”.

(African Committee of Experts on the Rights and Welfare of the Child, “Statement on violence against children”, 2011)

The **Convention on the Rights of the Child** puts an obligation on governments to take “all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence ... while in the care of parent(s), legal guardian(s) or any other person who has the care of the child” (article 19(1)). Specifically in relation to education, governments must “take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child’s human dignity and in conformity with the present Convention” (article 28(2)). The Convention emphasises that “no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment” (article 37 (a)).

“Children do not lose their human rights by virtue of passing through the school gates.”
(Committee on the Rights of the Child, General Comment No. 1, 2001)

Corporal punishment of children in schools – an obstacle to children’s rights to education

Research findings on corporal punishment in Africa reveals that children suffer not only strictly regulated forms of corporal punishment in schools, but are subjected to a wide range of punitive assaults, from pinching and ear pulling to severe beatings.¹ In the Central African Republic, a study involving 765 people aged 10 years and older and who attended schools or higher education institutions found that 47.2% (50.9% of males and 45% of females) had been smacked, slapped or beaten at school in the past year.² In Senegal, 80% of children involved in a 2012 study by Plan International said that teachers were the main perpetrators of violence in schools.³ Corporal punishment in schools is often why children drop out of school, or record poor school performances, making them more vulnerable to other forms of exploitation. Failing to prohibit school-based violence ultimately promotes a low level of education and negatively impacts on social cohesion and development.⁴ When teachers discipline children in positive, non-violent ways, they demonstrate respect for children’s human dignity and integrity.

Prohibiting corporal punishment of children in all settings including in the home and all other settings is a human rights imperative. Every human being in the world has the rights to respect for human dignity and physical integrity, regardless of age, gender, religion and any other status. The use and legality of corporal punishment in schools breaches children’s basic rights and undermines many aspects of effective child protection from all forms of violence. Its prohibition and elimination will contribute to a child friendly and quality education for all children in Africa.

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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About the Global Initiative

Launched in 2001, the Global Initiative to End All Corporal Punishment of Children aims to act as a catalyst for the prohibition and elimination of corporal punishment of children across the world. Supporters of its aims include UNICEF, UNESCO, Africa Network Campaign on Education for All, Plan International, ActionAid International, Save the Children International and many other international and national organisations. The Africa project of the Global Initiative aims specifically to increase the number of states in Africa committed to and actively pursuing the prohibition and elimination of all corporal punishment of children, in the family, schools and all other settings.

¹ For further information, see Global Initiative to End All Corporal Punishment of Children (2013), “Review of research on the effects of corporal punishment: working paper”, available at www.endcorporalpunishment.org

² Mimche, H. & Tanang, P. (2013), “Les violences basées sur le genre à l’école en République centrafricaine”, *Recherches & Educations*, 8, 49-63

³ *Because I am a Girl 2012 Research: Overall Report – Girls’ Retention and Performance in Primary and Secondary Education: Makers and Breakers*, Dakar: Plan International West Africa, cited in Greene, M. et al (2012), *A Girl’s Right to Learn Without Fear: Working to End Gender-Based Violence at School*, Toronto: Plan Canada

⁴ *Too often in silence: A report on school based violence in West and Central Africa* (2010), UNICEF, Plan West Africa, Save the Children Sweden West Africa and ActionAid,