

Progress towards prohibiting all corporal punishment in Africa

Prepared by the Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org), July 2016



Global Initiative to
End All Corporal Punishment
of Children

The following table summarises the legal status of corporal punishment of children – and progress towards achieving prohibition – in all settings in all states in Africa. Governments are increasingly enacting laws to prohibit this form of violence against children. As at July 2016, seven states have achieved prohibition in all settings, including the home; governments of at least 18 others have expressed a commitment to enacting full prohibition. Eight states have prohibited corporal punishment in all alternative care settings and day care, 29 in all schools, 30 in penal institutions and 48 as a sentence for crime.

States with full prohibition in legislation

The following seven states have prohibited corporal punishment in all settings, including the home.

<i>States with full prohibition ...</i>						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Benin	YES ¹	YES	YES	YES	YES	YES
Cabo Verde	YES ²	YES	YES	YES	YES	YES
Congo, Republic of	YES ³	YES	YES	YES	YES	YES
Kenya	YES ⁴	YES	YES	YES	YES	YES
South Sudan	YES ⁵	YES	YES	YES	YES	YES
Togo	YES ⁶	YES	YES	YES	YES	YES
Tunisia	YES ⁷	YES	YES	YES	YES	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.

¹ Prohibited in Children's Code 2015

² Prohibited in Law on Children and Adolescents 2013

³ Prohibited in Law on the Protection of the Child 2010

⁴ Prohibited in Constitution 2010 but some legislation still to be formally repealed

⁵ Prohibited in Transitional Constitution 2011, confirming pre-independence prohibition in Interim Constitution 2005 and Child Act 2008

⁶ Prohibited in Children's Code 2007

⁷ Prohibited in 2010 amendment to Penal Code

<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 institutions	Prohibited as sentence for crime
Algeria ⁸	NO	NO	NO	YES	NO	YES
Angola ⁹	NO	NO	NO	NO	NO	YES
Burkina Faso ¹⁰	NO	NO	SOME ¹¹	SOME ¹²	[YES]	YES
Comoros ¹³	NO	NO	NO	NO	NO	[YES]
Guinea-Bissau ¹⁴	NO	[NO]	[NO]	[YES]	[YES]	YES
Mauritius ¹⁵	NO	NO	[SOME] ¹⁶	YES	NO	YES
Morocco ¹⁷	NO	NO	NO	NO ¹⁸	YES	YES
Mozambique ¹⁹	NO	NO	NO	NO ²⁰	YES	YES
Namibia ²¹	NO	SOME ²²	SOME ²³	YES	YES ²⁴	YES ²⁵
Niger ²⁶	NO	NO	NO	NO ²⁷	NO	YES
Rwanda ²⁸	NO	NO	NO	YES	YES	YES
Sao Tome and Principe ²⁹	NO	NO	NO	[YES]	[YES]	[YES]
Seychelles ³⁰	NO	NO	NO	NO ³¹	NO	YES
Sierra Leone ³²	NO	NO	NO	NO	YES	YES
South Africa ³³	NO	YES	YES	YES	YES	YES
Uganda ³⁴	NO	NO	NO	YES	YES	YES
Zambia ³⁵	NO	NO	SOME ³⁶	YES	YES	YES ³⁷

⁸ Government accepted UPR recommendation to prohibit in all settings (2012)

⁹ Government accepted UPR recommendation to prohibit all corporal punishment (2014)

¹⁰ Draft legislation which would prohibit under discussion (2014)

¹¹ Prohibited in preschool settings

¹² Prohibited in primary schools

¹³ Government accepted UPR recommendations to prohibit in all settings (2014); draft legislation which would prohibit possibly under discussion (2014)

¹⁴ Government accepted UPR recommendation to prohibit in all settings (2015)

¹⁵ Bill which would prohibit under discussion (2015)

¹⁶ Possibly unlawful in preschool provision

¹⁷ Government accepted UPR recommendation to prohibit in all settings (2012)

¹⁸ Ministerial direction advises against corporal punishment but no prohibition in law

¹⁹ Government accepted UPR recommendation to prohibit in all settings (2016)

²⁰ Government directive advises against corporal punishment but no prohibition in law

²¹ Government accepted UPR recommendations to prohibit in all settings (2016)

²² Unlawful in state-run childcare under 1991 Supreme Court ruling but some legislation still to be repealed; prohibited in Child Care and Protection Act 2014, not yet in force

²³ Unlawful in state-run childcare under 1991 Supreme Court ruling but some legislation still to be repealed; prohibited in Child Care and Protection Act 2014, not yet in force

²⁴ Unlawful under 1991 Supreme Court ruling but some legislation still to be repealed; prohibited in Child Care and Protection Act 2014, not yet in force

²⁵ Unlawful under 1991 Supreme Court ruling but some legislation still to be repealed

²⁶ Draft legislation which would prohibit under discussion (2014)

²⁷ Ministerial Order states corporal punishment should not be used but no prohibition in law

²⁸ Government accepted UPR recommendation to prohibit in all settings and to repeal the "right of correction" (2011, 2015)

²⁹ Government accepted UPR recommendation to prohibit in all settings (2011, 2015)

³⁰ Government accepted UPR recommendations to prohibit in all settings (2016)

³¹ Policy states corporal punishment should not be used but no prohibition in law

³² Government accepted UPR recommendation to prohibit in all circumstances (2016)

³³ Government accepted UPR recommendation to prohibit in the home (2012); bill which would prohibit under discussion (2016)

³⁴ Government Bill which would prohibit in all settings tabled in 2015 but failed to progress through parliament

³⁵ Government accepted UPR recommendation to prohibit in all settings (2012); draft Constitution would prohibit (2016)

³⁶ Prohibited in preschool provision

<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 institutions	Prohibited as sentence for crime
Zimbabwe ³⁸	NO	NO	NO	NO	NO	NO ³⁹

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 institutions	Prohibited as sentence for crime
Botswana	NO	NO	NO	NO	NO	NO
Burundi	NO	NO	NO	[YES]	NO	YES
Cameroon	NO	NO	[SOME] ⁴⁰	YES	[YES]	YES
Central African Republic	NO	NO	NO	NO	NO	YES
Chad ⁴¹	NO	[SOME] ⁴²	[SOME] ⁴³	YES	[YES]	YES
Cote d'Ivoire	NO	NO	NO	NO ⁴⁴	YES	YES
Djibouti	NO	NO	NO	[YES]	NO	YES
DR Congo	NO	NO	NO	YES	NO	YES
Egypt	NO	NO	NO	[NO] ⁴⁵	[YES] ⁴⁶	YES
Equatorial Guinea	NO	NO	NO	NO	NO	YES
Eritrea	NO	NO	NO	NO ⁴⁷	[NO]	YES
Ethiopia ⁴⁸	NO	SOME ⁴⁹	SOME ⁵⁰	YES	YES	YES
Gabon	NO	NO	SOME ⁵¹	YES	YES	YES
Gambia	NO	NO ⁵²	NO	NO ⁵³	NO	YES

³⁷ Unlawful under 1999 Supreme Court ruling but some legislation still to be repealed

³⁸ Government accepted UPR recommendation to prohibit in all settings (2011)

³⁹ 2014 High Court ruling declaring judicial corporal punishment unconstitutional not yet confirmed by Constitutional Court

⁴⁰ Possibly prohibited in nursery education

⁴¹ Government accepted UPR recommendation to prohibit in 2009 but rejected recommendation to prohibit in 2013

⁴² Possibly prohibited in institutional care settings

⁴³ Possibly prohibited in institutions

⁴⁴ Ministerial circular states corporal punishment should not be used but no prohibition in law

⁴⁵ Ministerial directive states corporal punishment should not be used but possibly no prohibition in law

⁴⁶ Possibly lawful in social welfare institutions

⁴⁷ Policy states corporal punishment should not be used but no prohibition in law

⁴⁸ Government accepted UPR recommendation to abolish corporal punishment but rejected recommendation to criminalise it (2014)

⁴⁹ Prohibited in institutions

⁵⁰ Prohibited in institutions

⁵¹ Prohibited in preschool provision

<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 institutions	Prohibited as sentence for crime
Ghana ⁵⁴	NO	NO	NO	NO ⁵⁵	SOME ⁵⁶	YES
Guinea	NO	NO	NO	NO ⁵⁷	[NO]	YES
Lesotho ⁵⁸	NO	NO	NO	NO	YES	YES
Liberia	NO	SOME ⁵⁹	SOME ⁶⁰	NO	YES	YES
Libya	NO	NO	SOME ⁶¹	YES	NO	NO
Madagascar	NO	NO	NO	[YES]	NO	YES
Malawi	NO	SOME ⁶²	SOME ⁶³	[YES] ⁶⁴	YES	YES
Mali	NO	NO	SOME ⁶⁵	YES	YES	YES
Mauritania	NO	NO	NO	NO ⁶⁶	NO	NO
Nigeria	NO	NO	NO	NO ⁶⁷	SOME ⁶⁸	SOME ⁶⁹
Senegal ⁷⁰	NO	NO	NO	SOME ⁷¹	[YES]	YES
Somalia	NO	SOME ⁷²	SOME ⁷³	[SOME] ⁷⁴	SOME ⁷⁵	SOME ⁷⁶
Sudan	NO	NO	NO	SOME ⁷⁷	NO	[YES] ⁷⁸
Swaziland	NO	NO	NO	NO	NO	YES
UR Tanzania	NO	SOME ⁷⁹	NO	NO	SOME ⁸⁰	SOME ⁸¹
Western Sahara	NO	[NO]	[NO]	[NO]	[YES]	[YES]

⁵² Minimum standards for residential childcare institutions state corporal punishment should not be used but no prohibition in law

⁵³ Ministerial directive advises against corporal punishment but no prohibition in law

⁵⁴ Government accepted UPR recommendations to prohibit in all settings (2008, 2012) but also defended “reasonable” punishment and has asserted existing legislation is adequate

⁵⁵ Ministerial directive possibly advises against corporal punishment but no prohibition in law

⁵⁶ Prohibited in prisons

⁵⁷ Ministerial circular possibly advises against corporal punishment but no prohibition in law

⁵⁸ Government accepted UPR recommendation to abolish corporal punishment, stating it was being implemented (2010), but subsequent law reform prohibited only as sentence for crime

⁵⁹ Corporal punishment by child protection practitioners prohibited

⁶⁰ Corporal punishment by child protection practitioners prohibited

⁶¹ Unlawful in preschool provision

⁶² Prohibited in state-run institutions

⁶³ Prohibited in state-run day care

⁶⁴ Prohibition in private schools unconfirmed

⁶⁵ Prohibited in preschools and kindergartens

⁶⁶ Ministerial Order states corporal punishment should not be used but no prohibition in law

⁶⁷ But possibly prohibited in Lagos State

⁶⁸ Prohibited in Child Rights Act 2003, not enacted in all states

⁶⁹ Prohibited in Child Rights Act 2003, not enacted in all states; lawful in some states under Shari’a law

⁷⁰ Draft legislation to prohibit under discussion (2016)

⁷¹ Prohibited for 6-14 year olds

⁷² Prohibited in Somaliland

⁷³ Prohibited in Somaliland

⁷⁴ Possibly prohibited in Somaliland

⁷⁵ Prohibited in Somaliland

⁷⁶ Prohibited in Somaliland

⁷⁷ Prohibited in Khartoum State

⁷⁸ Possibly lawful under Shari’a law

⁷⁹ Prohibited in residential institutions in Zanzibar

⁸⁰ Prohibited in approved schools and remand homes in Zanzibar

⁸¹ Prohibited in Zanzibar

Note

The above information is based wherever possible on examination of national legislation; additional information is gathered from many sources, including reports to and by the United Nations human rights treaty bodies.

Information in square brackets is unconfirmed. We are very grateful to government officials, UNICEF and other UN agencies, NGOs and human rights institutions, and many individuals who have assisted us in our research. We welcome corrections and updates: email info@endcorporalpunishment.org. For further details on all states see the individual state reports at www.endcorporalpunishment.org.

Analysis prepared by the Global Initiative to End All Corporal Punishment of Children
www.endcorporalpunishment.org; info@endcorporalpunishment.org
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