

Progress towards prohibiting all corporal punishment in West and Central 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 West and Central Africa. Governments are increasingly enacting laws to prohibit this form of violence against children. As at July 2016, four states have achieved prohibition in all settings, including the home; governments of five others have expressed a commitment to enacting full prohibition. Four states have prohibited corporal punishment in all alternative care settings and day care, 11 in all schools, 15 in penal institutions and 22 as a sentence for crime.

States with full prohibition in legislation

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

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
Togo	YES ⁴	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 other contexts.

<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
Burkina Faso ⁵	NO	NO	SOME ⁶	SOME ⁷	[YES]	YES
Guinea-Bissau ⁸	NO	[NO]	[NO]	[YES]	[YES]	YES
Niger ⁹	NO	NO	NO	NO ¹⁰	NO	YES

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 Children's Code 2007

⁵ Draft legislation which would prohibit under discussion (2014)

⁶ Prohibited in preschool settings

⁷ Prohibited in primary schools

⁸ Government accepted UPR recommendation to prohibit in all settings (2015)

⁹ Draft legislation which would prohibit under discussion (2014)

¹⁰ Ministerial Order states corporal punishment should not be used but no prohibition in law

<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
Sao Tome and Principe ¹¹	NO	NO	NO	[YES]	[YES]	[YES]
Sierra Leone ¹²	NO	NO	NO	NO	YES	YES

States without a clear commitment to law reform

The following states have yet to make a clear commitment to prohibiting all corporal punishment. Some of these states 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 states 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
Cameroon	NO	NO	[SOME] ¹³	YES	[YES]	YES
Central African Republic	NO	NO	NO	NO	NO	YES
Chad ¹⁴	NO	[SOME] ¹⁵	[SOME] ¹⁶	YES	[YES]	YES
Cote d'Ivoire	NO	NO	NO	NO ¹⁷	YES	YES
DR Congo	NO	NO	NO	YES	NO	YES
Equatorial Guinea	NO	NO	NO	NO	NO	YES
Gabon	NO	NO	SOME ¹⁸	YES	YES	YES
Gambia	NO	NO ¹⁹	NO	NO ²⁰	NO	YES
Ghana ²¹	NO	NO	NO	NO ²²	SOME ²³	YES
Guinea	NO	NO	NO	NO ²⁴	[NO]	YES
Liberia	NO	SOME ²⁵	SOME ²⁶	NO	YES	YES
Mali	NO	NO	SOME ²⁷	YES	YES	YES
Mauritania	NO	NO	NO	NO ²⁸	NO	NO

¹¹ Government accepted UPR recommendation to prohibit in all settings (2011, 2015)

¹² Government accepted UPR recommendation to prohibit in all circumstances (2016)

¹³ Possibly prohibited in nursery education

¹⁴ Government accepted UPR recommendation to prohibit in 2009 but rejected recommendation to prohibit in 2013

¹⁵ Possibly prohibited in institutional care settings

¹⁶ Possibly prohibited in institutions

¹⁷ Ministerial circular states corporal punishment should not be used but no prohibition in law

¹⁸ Prohibited in preschool provision

¹⁹ Minimum standards for residential childcare institutions state corporal punishment should not be used but no prohibition in law

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

²¹ Government accepted UPR recommendations to prohibit in all settings (2008, 2012) but also defended "reasonable" punishment and has asserted existing legislation is adequate

²² Ministerial directive possibly advises against corporal punishment but no prohibition in law

²³ Prohibited in prisons

²⁴ Ministerial circular possibly advises against corporal punishment but no prohibition in law

²⁵ Corporal punishment by child protection practitioners prohibited

²⁶ Corporal punishment by child protection practitioners prohibited

²⁷ Prohibited in preschools and kindergartens

²⁸ Ministerial Order states corporal punishment should not be used but no prohibition in law

<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
Nigeria	NO	NO	NO	NO ²⁹	SOME ³⁰	SOME ³¹
Senegal ³²	NO	NO	NO	SOME ³³	[YES]	YES

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
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²⁹ But possibly prohibited in Lagos State

³⁰ Prohibited in Child Rights Act 2003, not enacted in all states

³¹ Prohibited in Child Rights Act 2003, not enacted in all states; lawful in some states under Shari'a law

³² Draft legislation to prohibit under discussion (2016)

³³ Prohibited for 6-14 year olds