



Ending Corporal Punishment of Children: Africa E-Newsletter

Issue 1: May 2010

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1 Who we are

The Global Initiative is a non governmental organization (NGO) which aims to act as a catalyst to encourage more action and progress towards ending all corporal punishment in all continents. We support national campaigns with relevant information and assistance (www.endcorporalpunishment.org). The African Child Policy Forum (ACPF) is an independent, Pan-African research and advocacy organization which aims to put children in Africa on the public and political agenda through promotion of supportive policies and laws. ACPF works with other child rights organizations and governments to develop and implement effective pro-child policies and programmes (www.africanchildforum.org).

The Global Initiative and The African Child Policy Forum initiated a joint project in 2009 to promote law reform and support national campaigns in all regions of Africa with information and strategies. The joint project aims to build a continent-wide network of supporters of prohibition of corporal punishment of children in Africa.

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2 Why this E-Newsletter?

There is a growing and vibrant movement supporting prohibition of corporal punishment of children in all settings across the region. By 2010, at least 20 out of 53 African States had prohibited corporal punishment in schools; 38 had prohibited corporal punishment as a sentence for crimes committed by under-18 year-olds, and 21 had prohibited it as a disciplinary measure in penal institutions. There are opportunities to promote prohibition in the context of national law reforms in several countries. Through this Newsletter we would like to keep civil society organizations and other stakeholders informed and encourage networking around the issue of corporal punishment of children. We encourage readers to forward this Newsletter to whoever might be interested. Please send us relevant information regarding corporal punishment such as law reforms, campaigns, news and events, at the following address: info@endcorporalpunishment.org. We are sending this Newsletter to all those we think may be interested; to unsubscribe please email info@endcorporalpunishment.org.

Thank you to all contributors which include: The Southern African Network to End Corporal Punishment, World Vision Rwanda and Save The Children Zanzibar.

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3 Recent progress and opportunities in Africa

The Global Initiative and ACPF would be pleased to provide information, comments and technical advice or assistance to countries actively promoting or going through law reforms to prohibit and eliminate all corporal punishment of children in the home and all other settings. We encourage CSOs and child rights advocates to use every opportunity to promote explicit prohibition of all corporal punishment as new legislation relevant to the issue is being drafted and discussed. For further information and technical support, email vohito@africanchildforum.org or info@endcorporalpunishment.org.

West Africa

Several countries are reviewing or putting in place specific laws relating to child's rights. These include, Cameroon, Niger, Guinea Bissau, Liberia and Senegal. In most of these countries, CSOs are mobilizing and lobbying law makers for the inclusion of specific provisions against corporal punishment of children.

East Africa

Uganda: Uganda's report on implementation of the African Charter on the Rights and Welfare of the Child was examined during the 15th session of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) in March 2010. Ugandan civil society organizations drafted a number of recommendations for the Government of Uganda, which they submitted to the Committee. Ugandan CSOs recommended that the Ugandan Government "enact and implement a specific law to prohibit

corporal punishment in all institutions including schools and homes”. They also recommended that the State Party institute appropriate public education measures and professional training on positive parenting and non-violent forms of discipline.

Kenya: On 4th August 2010, Kenyans will be called to adopt their new Constitution by referendum. Article 29 of the latest draft Constitution states that every person has the right “not to be subjected to corporal punishment or to be treated or punished in a cruel, inhuman or degrading manner”.

Rwanda: Rwanda is currently considering a draft new Penal Code and draft new Child Protection Law. The current draft of the Child Protection law seems to prohibit corporal punishment of children, but it is not explicit on the prohibition of corporal punishment by parents. The draft law also makes provision for positive parenting measures.

Zanzibar: Zanzibar is drafting new children’s legislation in order to comply with the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. The first draft of the new Child’s Act was released in March 2010. It includes an article which would explicitly prohibit all corporal punishment of children and repeal all legal provisions to the contrary.

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4 Calls for prohibition / Campaigns

The third Civil Society Organisation (CSO) Forum on the African Charter on the Rights and Welfare of the Child took place in Ethiopia in March 2010. The Forum made a number of general recommendations to the African Committee of Experts on the Rights and Welfare of the Child. One of the recommendations recognized that “violence against children remains a pervasive problem in Africa that threatens the rights and wellbeing of children.” The Forum therefore encouraged the Committee to reinvigorate the issue of violence against children by commissioning a continent wide study, and further, work with the newly-appointed United Nations Special Representative on Violence Against Children. CSOs also pledged to “ensure that corporal punishment and other forms of violence against children is an issue to be explored in one of the subsequent CSO Forums”. For more information, please go to: www.africanchild.info.

The 15th Meeting of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) was held at the AU Conference Centre, in Ethiopia, from 15 to 19 March 2010. During a special session on violence against children, The African Child Policy Forum highlighted African countries’ “weak legal and policy frameworks and response mechanisms”, illustrated through the “absence of provisions on specific forms of violence such as corporal punishment in the home and school environment” . On the same occasion, the UN Secretary-General’s Special Representative on Violence Against Children, Marta Santos Pais also called on the Committee to develop an “advocacy campaign to call for an explicit ban on all violence against children, including corporal punishment”, available here: www.africanchild.info.

Kenya: The Kenyan NGO, The Children of Kibera Foundation (CoKF) has started a campaign to end corporal punishment in schools and to draw attention to child abuse that occurs in the home. The campaign, *End Violence Against Children! Protect Our Children From Violence in Schools and the Home*, began with teacher training that introduced the psychological effects of corporal punishment on children and explained alternative methods of classroom discipline and management. For more information, please contact: jeff@childrenofkibera.org; jostruitt@gmail.com or jackie.espana@gmail.com.

Mali: The Malian Coalition for Child’s Rights COMADE (*Coalition Malienne des Droits de l’Enfant*) is setting up a campaign to create a national consensus for the enactment and vote of the Persons and Family Code. This campaign represents a key opportunity for Malian CSOs (including COMADE) for further lobbying for the inclusion of explicit legal provisions against corporal punishment of children. The Malian Persons and Family Code failed to be promulgated in 2009 due to community groups’ pressure. For further information, please email comademali@yahoo.fr.

Swaziland: The Swaziland National Association of Teachers (SNATS) called for an end to corporal punishment in schools. The Minister of Education and Training Wilson Makhalemphe Ntshangase seconded this call noting a number of students had been severely injured with some left disabled whilst taking this form of punishment from their teachers. SNATS General Secretary Muzi Mhlanga stated that the “reports of severe assaults on learners are disturbing and regrettable”. He added that his counterpart from Lesotho was also contemplating campaigning for the prohibition of corporal punishment in schools (*Swazi Observer*, February 23, 2010).

Tanzania: The Tanzanian Child Act was enacted in late 2009. It does not explicitly prohibit all corporal punishment and implicitly allows for “justifiable” correction. However some CSOs in Tanzania have remained active in their bid to protect children from corporal punishment through legal reform. The 50% Campaign to protect Children challenges Tanzania’s law makers, media and civil servants to do more for Tanzanian children. The Campaign lobbies for an end to institutionalized violence by calling for an amendment of the Child’s Act to prohibit corporal punishment in all settings and adhere to international standards of child’s rights and protection. For more information please go to: www.50campaign.org.

Zambia: During the Joint Annual Review (JAR) organized by the Ministry of Education in April 2010, the Ministry announced that the revision of the Education Act 2010 was nearly complete. The Zambia Civic Education Association (ZCEA) therefore called on the Ministry of Education to ensure that corporal punishment and other forms of violence against children in the school environment (private and public) are expressly prohibited in the Act. For more information, please email: info@zamcivic.com.zm.

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5 Human Rights Monitoring

Prohibition of all corporal punishment of children is an immediate obligation of governments under the Convention on the Rights of the Child and other international human rights treaties. When the Committee on the Rights of the Child examines states on their implementation of the Convention, it always includes recommendations to enact (or enforce) prohibition in all settings, including the home. Similar recommendations are increasingly made by other treaty monitoring bodies. The issue is also regularly covered during the Human Rights Council’s review of states’ overall human rights record in the Universal Periodic Review process.

These recommendations provide an important advocacy tool for CSOs and human rights institutions in promoting law reform to prohibit corporal punishment. And CSOs and other advocates can play an important role in ensuring such recommendations are made by briefing the various committees on the situation in the country concerned.

We hope the information below, which will be regularly updated in future newsletters, will help you to engage with this important aspect of ensuring children’s right to legal protection from all corporal

punishment becomes a reality. For further information on any aspect, please email info@endcorporalpunishment.org.

Key decisions and recommendations

The *Committee on the Rights of the Child* held its 53rd session in January 2010, and made strong recommendations for comprehensive law reform to prohibit all corporal punishment in all settings, including to Cameroon and Burkina Faso.

The *Committee on the Elimination of Discrimination against Women* held its 45th session in January/February. The Committee recommended explicit prohibition by law of all corporal punishment of children in Botswana.

Briefing the Treaty Monitoring Committees and the Universal Periodic Review

The Global Initiative regularly briefs human rights treaty monitoring bodies prior to examination of state parties. We encourage national NGOs and human rights institutions in Africa to do likewise. Current opportunities to submit advance briefings relating to African states coming up for examination are as follows:

The *Committee on Economic, Social and Cultural Rights* pre-sessional working group will be meeting at its 46th session in November 2010 to consider the issues to raise in its forthcoming examination of, inter alia, Cameroon. **Briefings relating to the legality and practice of corporal punishment in Cameroon should be submitted before 1 November 2010.**

The *Committee on the Elimination of Discrimination against Women* pre-sessional working group will be meeting at its 46th session in July 2010 to consider the issues to raise with states being examined at the 48th session in January/February 2010, including Algeria, Kenya and South Africa. **Briefings on the legality and practice of corporal punishment in these states should be submitted to the Committee before 24 June 2010.**

The 10th session of the *Universal Periodic Review* will take place in January 2011 and includes Mozambique, Namibia, Niger, Rwanda and Sao Tome and Principe. **Briefings on these states must be submitted by 5 July 2010.**

There are no immediate opportunities for submitting briefings on African states to the Committee on the Rights of the Child, the Committee Against Torture and the Human Rights Committee. We will cover these in future newsletters as relevant details become available.

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6 Media Watch

Mali: The 11th session of the Malian Children's Parliament took place in April 2010. Participants included the President of the Republic of Mali, the President of the National Assembly and Parliamentarians, Government officials, CSOs and UNICEF. Corporal punishment was identified as one of the challenges faced by children in Mali (*Maliweb*, 8 April 2010; *22 Septembre*, 8 April 2010).

Morocco: While the Council of Europe was holding an international conference for the elimination of corporal punishment of children, child psychiatrist Dr. Bouchaïb Karoumi admitted that corporal punishment of children in the home is still common practice in Morocco. This situation calls for better parenting and alternative discipline methods. Corporal punishment is also commonly inflicted in schools in Morocco. A joint project conducted by the Moroccan organisation “L’Espace associatif” and Save the Children is encouraging and sensitizing teachers to stop inflicting corporal punishment to students (*Le Soir*, 29 April 2010).

Namibia: Following a Namibian political leader’s suggestion of reinstating corporal punishment, a reader is strongly calling for the prohibition of corporal punishment in all settings in Namibia (*The Namibian*, 23 April 2010).

Namibia: A parent laid charges of assault against four teachers after they had allegedly assaulted his son with objects ranging from “a blunt wooden object to a blunt wooden stick and a sort of PVC pipe” (*AllAfrica.com*, 21 April 2010; *The Namibian*, 19 April 2010).

Senegal: The US-based human rights organization, Human Rights Watch (HRW) raised its serious concerns to the governments of Senegal and Guinea Bissau, Islamic leaders and parents who are failing to protect Koranic students (talibés) against exploitation and abuse. A recent HRW report revealed that in the name of religious education at least 50,000 children in Senegal are forced to beg for long hours to benefit the teacher, and are subjected to severe physical abuse for failing to meet their quota. A 13-year-old former “talibé” reported having been beaten by the “marabout himself” with an electric cable several times. He reported that he was generally beaten “on the back but at times he missed and hit my head”. The report also found that other forms of punishment included chaining and stress positions. HRW called on the Senegalese Government to take legal action against the “marabouts”. (IRIN, 15 April 2010).

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7 Can you help?

a) New report on corporal punishment of children across Africa

We are currently working on an All-African report and we would welcome any relevant information and suggestions. The report will include, *inter alia*, information on recent regional progress towards prohibition of corporal punishment, law reform, research and campaigns. The deadline for sending your suggestion is 30 June 2010. Please email info@endcorporalpunishment.org.

b) Completing our knowledge base

Please let us know if you have any information on laws prohibiting or authorising corporal punishment in the following countries and settings (email: info@endcorporalpunishment.org):

Penal system (sentence of the courts)- Central African Republic, Equatorial Guinea, Gabon

Penal system (disciplinary measure in penal institutions)- Central African Republic, Equatorial Guinea, Eritrea, Gabon, Guinea, Libya, Sao Tome and Principe

Alternative care settings- Guinea Bissau, Libyan Arab Jamahiriya

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8 Events in the region

Symposium on Skilful Parenting: 18th and 19th March 2010, Naivasha, Kenya

This symposium was organised by The African Child Policy Forum and the International Child Support, to re-affirm the need/relevance of the parenting programme and to gain a common perspective on parenting through:

- articulating the actions that are required for further development and implementation of the programme
- Coming up with a way of organising the coordination of the network in order to take forward agreed-upon actions

The symposium brought together 30 organisations representing 7 countries from Africa. The participants were drawn from international organisations, national organisations, and academic institutions that have or intend to have programmes/projects that support families/parents in the region. For more information please email: alemayhu@africanchildforum.org.

Upcoming: Middle East and North Africa Region technical workshop: Law reform to prohibit all forms of corporal punishment of children, Beirut, Lebanon (29th June to 2nd July 2010 – by invitation only)

In cooperation with The League of Arab States, the Higher Council for Childhood Lebanon, Save the Children and the Global Initiative to End All Corporal Punishment of Children and with the attendance of the UN Special Representative on Violence Against Children Ms. Marta Santos Pais.

Objectives:

- To promote effective follow-up to the UN Secretary General's Study on violence against children
- To promote the human rights imperative to prohibit all corporal punishment of children, including in the home
- To increase knowledge about the content and process of law reform and how to achieve it, exploring the challenges
- To develop national strategies for pursuing law reform in each participating state.

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9 Resources: Research / Reports / Publications

In collaboration with Save The Children Mozambique and Rede Came, Save The Children Sweden commissioned a quantitative and qualitative survey on children's experiences of punishment in Mozambique. The survey was carried out in October 2009; a total number of 2682 children were consulted across three provinces in Mozambique. The survey looked at children's experiences of corporal punishment and other forms of humiliating punishment by care-givers in the home and school settings. It found that 42% of children reported experiencing humiliating punishment at school over a

period of two weeks, while 43% of children reported experiencing humiliating punishment at home over the same period. For more information please email: postmaster@saf.savethechildren.se.

The latest Newsletter of the Working Group on Positive Discipline, published by Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN) is out now. It includes details of publications and past and future events to support the promotion of positive parenting. To access it, please go to: www.rapcan.org.za/wgpd/default.asp.

The Global Initiative has developed seven Summary Briefings to help you develop your campaigning strategy for law reform to prohibit corporal punishment. Please download the briefings below or request them from info@endcorporalpuniishment.org:

1. [Understanding the need for prohibition](#)
2. [Reviewing current law](#)
3. [Drafting prohibiting legislation](#)
4. [Building a national strategy](#)
5. [Working with the Government and Parliament](#)
6. [Using legal action and regional and international human rights mechanisms](#)
7. [Key resources to support campaigning](#)

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