



# Ending Corporal Punishment of Children: Africa E-Newsletter

Issue 2: September 2010

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The highlight of this issue is the news that Tunisia and Kenya have achieved full prohibition of corporal punishment of children – the first African states to do so! Read of details of this and other positive moves towards reform....

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## **1 Who we are**

The Global Initiative to End All Corporal Punishment of Children is a non governmental organisation (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](http://www.endcorporalpunishment.org)). The African Child Policy Forum (ACPF) is an independent, Pan-African research and advocacy organisation 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 organisations and governments to develop and implement effective pro-child policies and programmes ([www.africanchildforum.org](http://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 Recent progress in the region

**Tunisia:** In July 2010, Tunisia became the first African state to prohibit all corporal punishment of children in all settings, including the home. Law No. 2010-40 of 26 July 2010, amends article 319 of the Penal Code to remove the clause which provided a legal defence for the use of corporal punishment in childrearing. Prior to the reform, article 319 of the Penal Code punished assault and violence which did not lead to serious or lasting consequences for the victim, but stated that “correction of a child by persons in authority over him is not punishable”. The new law explicitly repeals this clause, making it a criminal offence to assault a child even lightly. Publication of the law in the Official Gazette, in July 2010, was accompanied by a statement from the Constitutional Council that the new law is wholly compatible with the Constitution and its effect is to make the provisions against light assault in article 319 of the Penal Code equally applicable to “correction” of children.

**Kenya:** The new Constitution adopted in August 2010 in Kenya protects every person from corporal punishment, making Kenya the second African state this year to legally protect children from all corporal punishment in all settings, including the home (article 29). There are various provisions in Kenyan law which justify or authorise corporal punishment, in conflict with the new Constitution. These will need to be reviewed and amended, including repeal of “the right of any parent or other person having the lawful control or charge of a child to administer reasonable punishment on him” from article 127 of the Children Act 2001 and of the authorisation of corporal punishment in schools in article 11 of the Education (School Discipline) Regulations.

The addition of these two African states to the list of countries which have prohibited all corporal punishment brings the total number of fully prohibiting states worldwide to 29. For further information see [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org).

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## 3 Campaigns and other moves towards prohibition

**Burundi:** Following the death of 16 year old school girl Oriane, the Burundian NGO *Association Communautaire pour la Promotion et la Protection des Droits de l’Homme* (ACPDH) is campaigning for the immediate prosecution of her murderers. Oriane was beaten to death by her parents at home, in June 2010 in the Gatumba Zone of Bujumbura. The victim’s mother, a head teacher was not arrested, and her father who was initially detained in a psychiatric centre, was later released. ACPDH is calling on law reform to prohibit corporal punishment of children in Burundi. For more information, please contact: [acpdh\\_bdi@yahoo.fr](mailto:acpdh_bdi@yahoo.fr)

**Ghana:** During a courtesy call to Ghanaian Minister of Education, Mr Alex Tettey-Enyo, Marta Santos Pais, UN Special Representative of the Secretary General on Violence against Children, urged the Government to put in place laws to abolish corporal punishment in schools. “If Ghana would put in place the needed laws aimed at abolishing this practice, it would encourage other African countries to also follow suit,” she said. Mr Alex Tettey-Enyo pledged the Government’s support for the eradication of all forms of violence against children, including corporal punishment in schools. (*Ghana Web*, 1 September 2010)

**Kenya:** The Edmund Rice Justice and Peace group set out to find ways to engage teachers and students in exploring positive approaches to disciplining children in schools. The NGO organised an essay writing competition in three informal schools in Nairobi, which aimed to explore teachers' and students' understanding and experiences of corporal punishment and to gather suggestions about some of the alternative ways that could be used to discipline children in schools. The essays revealed that there is a need for further education of teachers, students and parents in the area of children's rights and that whilst teachers and students were not happy about the use of caning they lacked knowledge about alternatives. For more information, please go to: [www.edmundriceinternational.org](http://www.edmundriceinternational.org).

**Namibia:** The Gender Research & Advocacy Project at the Legal Assistance Centre (LAC) in Namibia launched an outreach project on alternatives to corporal punishment. The organisation produced various campaigning materials including a humorous and entertaining film on alternatives to corporal punishment, two comics, a poster, and training guide. They also carried out visits to pre-primary, primary, secondary and teacher-training colleges over a three-month period. Through interactive workshops, participants were also given the opportunity to suggest alternatives to corporal punishment. Overall the outreach project has reached over 5,000 people. You can download the comic *Alternatives to Corporal Punishment* at [www.crin.org/docs/Comic\\_cp.pdf](http://www.crin.org/docs/Comic_cp.pdf) and the poster factsheet at [www.crin.org/docs/FileManager/Poster\\_factsheet\\_cp.pdf](http://www.crin.org/docs/FileManager/Poster_factsheet_cp.pdf). For more information please go to: [www.lac.org.na](http://www.lac.org.na).

**Nigeria:** As the Lagos State House of Assembly is considering a bill to prohibit judicial corporal punishment of children and school corporal punishment which results in "grievous harm", Bayo Olupohunda, columnist and project coordinator of Educators Against Corporal Punishment in Nigeria, is calling for the prohibition of all corporal punishment in schools. The author encourages governments to take preventive action, including the administration of positive discipline. <http://234next.com/csp/cms/sites/Next/News/Metro/5602788-183/story.csp>

**Somalia:** A joint project of the NGO the Comprehensive Community-Based Rehabilitation in Somaliland (CCBRS) and the Ugandan NGO, the Transcultural Psychosocial Organization (TPO), introduced social clubs in four schools where the majority of the students were from displaced families. One of the clubs' activities is to discourage the use of corporal punishment in schools; Specific events such as awareness-raising weeks entitled "Week without sticks" or "No sticks, schools free from sticks" are also organized. Over time the project organizers have noted a reduction in the number of pupils caned by teachers for truancy. For more information, please go to: [www.ccbars.org](http://www.ccbars.org) and [www.tpoug.org](http://www.tpoug.org)

**Zambia:** The National Constitutional Conference published the new Draft Constitution for public consultation in June. Unlike the previous draft (the Mungomba Draft), it does not include the right of children to protection from corporal punishment. The Zambia Civic Education Association ([www.zamcivic.com.zm](http://www.zamcivic.com.zm)) has submitted a response calling for this right to be recognised in the new Constitution.

In Zambia's Copperbelt Province, during the launch of the manual of the Zambia Civic Education Association (see resources section below), Copperbelt provincial education officer Johnwell Simwingwa condemned the use of corporal punishment when disciplining children, describing it as barbaric. Simwingwa said: "This draconian method of administering so-called discipline only damages a child's self-esteem and robs them of their dignity. Additionally children are deprived of their opportunity to attend school, for fear that those entrusted with the responsibility of educating them may become physical abusers." He observed that the best interests of the child should be paramount in formulating government policies and procedures. (*Sunday Post*, 8 August, 2010)

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## 4 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. Recommendations from treaty monitoring bodies to individual states 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. Details of recent decisions and upcoming opportunities to brief the treaty bodies are given below. For further information on any aspect, please email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org).

### Key decisions and recommendation, etc.

The *African Committee of Experts on the Rights and Welfare of the Child* published its concluding observations on states examined at the 14<sup>th</sup> and 15<sup>th</sup> sessions. The Committee examined the state party reports of Mali and Burkina Faso in November 2009 and Kenya, Tanzania and Uganda in March 2010. The Committee noted that cases of corporal punishment are still observed in schools in Kenya. Evidently referring to the Ugandan Draft Education Act which aims to prohibit corporal punishment in schools, the Committee congratulated the Ugandan Government for the efforts made towards prohibition of corporal punishment.

The *Committee on the Rights of the Child* published its concluding observations on states examined at the 54<sup>th</sup> session, 25 May – 11 June 2010. It recommended that all states examined, including Nigeria and Tunisia, prohibit corporal punishment of children in all settings. As announced above, Tunisia has since achieved full prohibition.

### Briefing the human rights bodies

The Global Initiative regularly briefs human rights treaty monitoring bodies prior to examination of state parties, and encourages national NGOs and human rights institutions to do likewise. Current opportunities to submit advance briefings on states coming up for examination are listed below. We are always willing to advise NGOs and human rights institutions on the practical details of how to submit briefings (email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)).

The *Committee Against Torture* will be meeting at its 45<sup>th</sup> session in November 2010, when it will examine Ethiopia. **The deadline for submitting briefings is 18 October 2010.**

The *Committee on Economic, Social and Cultural Rights* pre-sessional working group will be meeting at its 45<sup>th</sup> session in November 2010 to consider the issues to raise in its forthcoming examination of Cameroon. **Briefings 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 47<sup>th</sup> session in October 2010 to consider the issues to raise when it examines Djibouti, Ethiopia and Zambia. **The deadline for submitting briefings has now passed. Information relevant to the next opportunity for briefing the Committee will be confirmed in the next newsletter.**

The 11<sup>th</sup> session of the *Universal Periodic Review* will take place in May 2011. **The deadline for making submissions on Seychelles, Sierra Leone, Somalia and Sudan is 1 November 2010.**

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## 5 Media watch

**Nigeria:** At the public signing of the Igbo Language Enforcement Law, which came into force on 11 May 2010, the Governor of Anambra State, announced that corporal punishment would not be used against students who speak Igbo in schools in the state. The Igbo Language Enforcement Law is intended to enhance wide usage of the Igbo language in the state. (*AllAfrica.com*, 08 June 2010; *Daily Independent*, 7 June 2010)

**Sierra Leone:** The Peace Education Curriculum (PEC), developed by Sierra Leone Teachers Union, was presented to the Minister of Education, Youth and Sports, Dr. Minkailu Bah. In presenting it, the course director, Dr Mark Turay stressed that the PEC will reduce the level of violence, create safer school settings for school pupils and lead educational authorities to develop alternatives to corporal punishment. The Minister stated that the introduction of the PEC is in line with the Sierra Leonean President's call for attitudinal change. The PEC will be introduced in selected senior primary and junior secondary schools from September 2010. (*AllAfrica.com*, 07 July 2010; *Concord Times*, 6 July 2010)

**Swaziland:** Save the Children is calling for the immediate suspension of the services of the Principal of Luhhumaneni Primary School, Mcebo Shongwe. In a letter to the Ministry of Education, the organisation has requested that Shongwe's employment be suspended for a period of 12 months in accordance with Teaching Service Regulations 1983, cl 18(4) (b). Shongwe, who also serves as a pastor, made headlines when he said he was not remorseful for ruthlessly thrashing his eight-year-old son for spending a night away from home. The Minister of Education and Training, Wilson Ntshangase, confirmed that the organisation's request would be considered and necessary decisions would be taken against the Principal. (*Times of Swaziland*, 02 September 2010)

**Tanzania:** As election time approaches, children are pushing for their agenda to be enshrined in party manifestos. Over 50 children attended a series of meetings to discuss the Children's Agenda with Government officials including with the President and the Ministry of Community, Development and Gender. Participating children expressed the need for society to safeguard their interests and address the issue of corporal punishment which "lowers a child's self esteem". (*AllAfrica.com*, 14 June 2010; *The Citizen*, 12 June 2010)

**Uganda:** Bishop Kivengere Girl's School Muyebe in Kabale district was closed for one day after students went on strike protesting against corporal punishment. Over 500 girls overpowered the school guards and teachers by throwing stones at them. The students cited the case of a Senior Two student who was allegedly badly beaten by a teacher. (*AllAfrica.com*, 05 August 2010; *The New Vision*, 4 August 2010)

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## 6 Request for information

We would appreciate any **information on laws** prohibiting or authorising corporal punishment in the following countries and settings:

*Penal system (sentence of the courts)* – Equatorial Guinea, Gabon

*Penal system (disciplinary measure in penal institutions)* – Equatorial Guinea, Eritrea, Gabon, Guinea, Liberia, Libyan Arab Jamahiriya, Sao Tome and Principe.

*Alternative care settings* – Guinea-Bissau, Libyan Arab Jamahiriya.

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## 7 Events in the region

### Colloquium on “cultural rights and reconciliation”: 17<sup>th</sup> to 19<sup>th</sup> June 2010, Nouakchott, Mauritania

Jointly organised by the University of Nouakchott, the Ethics and Human Rights Interdisciplinary Institute of the University of Fribourg and the International Organisation of la Francophonie, the colloquium aimed at emphasising the importance of cultural values and questioning the legitimacy of some cultural practices affecting children. The Senegalese NGO Ecole Instrument de Paix (EIP) made a presentation on the issue of corporal punishment in schools. While refuting legal, religious and cultural excuses for corporal punishment of children, the organisation called for non-violent discipline methods in schools. For more information please go to: [www.eip-cifedhop.org/eipafrique/senegal/senegal.html](http://www.eip-cifedhop.org/eipafrique/senegal/senegal.html)

### Youth Forum against Violence: 30th August to 4th September 2010, Accra, Ghana

Within the framework of the fight against violence against children, Plan International and Save the Children in West Africa organised this event with the aim of strengthening networking of NGOs and agencies involved in the fight against violence. The Forum involved about 80 young people and NGOs in reviewing the implementation of the UN Study on Violence against Children. Children participating in the Forum expressed their concern about violence against children, especially regarding child victims of corporal punishment. Marta Santos Pais, UN Special Representative of the Secretary General on Violence against Children who also attended the Forum, spoke strongly against corporal punishment, saying it compromised children’s self esteem and confidence as well as making them less-participatory in school, family and social issues. She said there was need to adopt a positive way of disciplining the child rather than employing corporal punishment method. For further information see

[www.crin.org/resources/infoDetail.asp?ID=23117&flag=event](http://www.crin.org/resources/infoDetail.asp?ID=23117&flag=event)

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## 8 Resources: Research/Reports/Publications

**Senegal:** “*Châtiments*” (*Punishments*) is a novel written by Mama Moussa Diaw, a medical doctor and writer. Drawing on the situation of Koranic students and street children in Senegal, coupled with his real life experience as a medical doctor, the author depicts the struggle of children, silent victims of physical violence in Senegal. The book aims to sound the alarm on the physical and psychological effects of corporal punishment and the silent suffering of children. *Châtiments*, Editions Phoenix, available at [www.editionsphoenix.net](http://www.editionsphoenix.net) (in French only)

**Sudan:** In partnership with Save the Children Sweden and the Training Unit of the Sudanese Ministry of Education, the Sudanese NGO Child Rights Institute launched in late 2009 a training manual, *Educational Alternatives to Corporal Punishment*. It includes faith-based approaches to positive discipline, highlights the negative effects of corporal punishment and suggests positive alternatives. Through this joint project, 75 teachers have been trained on positive discipline in Khartoum. A 14 day training of trainers will be rolled out, involving 15 more teachers in Khartoum in November 2010. The

manual is only available in Arabic. For more information please contact: [yas\\_shalabi@yahoo.com](mailto:yas_shalabi@yahoo.com) or [sudanchild@hotmail.com](mailto:sudanchild@hotmail.com).

**Zambia:** The Zambia Civic Education Association (ZCEA) has launched a series of manuals focusing on children's issues. These include a manual on *Positive Discipline Module for Zambian Teacher Trainers*, supported by Save the Children Sweden. The organisation is also in the process of printing the third easy read book for children on Participation Rights. For further information please contact: [info@zamcivic.com.zm](mailto:info@zamcivic.com.zm).

### **Upcoming publication:**

*Global Pathways to Abolishing Physical Punishment: Realizing Children's Rights*, Joan E. Durrant & Anne B. Smith (eds)

This book describes progress towards the legal prohibition of physical punishment of children worldwide. It documents the stories of countries that have either prohibited corporal punishment of children or who are moving in that direction. A chapter on the growing momentum towards the prohibition of corporal punishment in Africa is included. For more information and online ordering: [www.routledge.com](http://www.routledge.com)

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We hope you find this newsletter informative and useful and welcome your comments: please email [vohito@africanchildforum.org](mailto:vohito@africanchildforum.org). We are sending the newsletter to Global Initiative supporters in Africa (for the full list, click on "Supporters" on the website) and others who we think will be interested. If you do not want to receive future editions, please tell us at [vohito@africanchildforum.org](mailto:vohito@africanchildforum.org). To sign up for the bi-monthly global newsletter, email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org). If your organisation is not listed as supporting the aims of the Initiative, please consider signing up (email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)).

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