

# Ending Corporal Punishment of Children: Africa E-newsletter

Issue 21: January 2016

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*Global Initiative to*  
**End All Corporal Punishment  
of Children**

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## In this issue:

2016 marks the 10th anniversary of the UN Study on Violence against Children, which recommended full prohibition of corporal punishment of children in all states. At the start of this milestone year, 48 states globally have achieved prohibition in all settings, including in the home – seven of them in Africa. We hope by the end of the year we will have many more states achieving this fundamental reform for children, including in Africa!

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## 1. Who we are

The Global Initiative to End All Corporal Punishment of Children ([www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)) 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.

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. For more information, please contact Sonia Vohito at: [vohito@endcorporalpunishment.org](mailto:vohito@endcorporalpunishment.org).

Through this newsletter we aim to keep civil society organisations and other stakeholders informed and encourage networking around the issue of corporal punishment of children. We encourage readers to forward the newsletter to whoever might be interested and we encourage organisations to [sign up to the aims of the Global Initiative](#).

#### **\*Global report 2015\***

Published in collaboration with Save the Children, our [10th report on global progress towards prohibition of corporal punishment](#) documents the growth in the list of states prohibiting, and making a commitment to prohibiting, all corporal punishment to December 2015. It considers prohibition and elimination of corporal punishment in the context of the new Sustainable Development Goals, particularly target 16.2 under which states have committed to work to “End abuse, exploitation, trafficking and all forms of violence against and torture of children”. It lists the 52 states which have expressed a commitment to prohibition of all corporal punishment, including 13 African states. A limited number of hard copies is available for advocacy use, contact [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org).

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## **2. Recent developments in Africa**

*Rwanda:* At the Universal Periodic Review of Rwanda in November 2015, the Government expressed its commitment to prohibiting corporal punishment in the home and other settings, including by repealing the “right of correction”, by accepting clearly the recommendation to do so. This brings the number of African states committed to reforming their laws to achieve prohibition to 13.

*South Africa:* In a report published in January 2016, the South African Human Rights Commission (SAHRC) announces that it will “direct the Department of Social Development (DSD) to initiate amendments to the Children’s Act, or initiate such other legislation as may be necessary in order: (a) to give effect to the statutory prohibition of corporal punishment in the private sphere (the home) ...”

This report follows a 2013 complaint lodged by parents, the NGO Sonke Gender Justice and child rights activist Carol Bower, against the Joshua Generation Church – a local charismatic Christian community which devoted four of its 39-page manual for parents on the length and thickness of the rod which should be used to ‘train up’ young children. In its report, the SAHRC recommended that the Joshua Generation Church provides “a written undertaking that it will desist from advocating corporal punishment as a means of disciplining of children...”

[\(South African Human Rights Commission, Adriaan Mostert, Hannah Mostert, Sonke Gender Justice, Carol Bower v. Joshua Generation Church, Ref. WP/1213/0887 \(2016\), Johannesburg, South Africa\)](#)

Note: Since the report was issued, a spokesperson for the DSD has confirmed that an amendment to the Children’s Act which will achieve prohibition will be tabled in Parliament this year.

*UR Tanzania*: Following a survey carried out by members of the East African Legislative Assembly (Eala), a [Report of the Committee on general purpose on the oversight activity on the legal framework and implementation of policies of the rights of the child in the EAC partner states](#) urged Tanzania to prohibit corporal punishment of children in schools. The Committee found corporal punishment in Tanzania unacceptable and called for teachers and parents to be sensitised in alternative forms of discipline. Published in August 2015, the report is being presented to policy makers within the governments of the East African Community member states.

Note: In mainland Tanzania, corporal punishment is authorised in the home, alternative care settings, day care, schools, penal institutions and as a sentence for crime; in Zanzibar it is unlawful as a sentence for crime and in some penal and care institutions but lawful elsewhere.

*Zimbabwe*: During the International Human Rights Day commemorations in Chitungwiza, the Vice President of Zimbabwe, Mr Emmerson Mnangagwa, stated that corporal punishment should not be used in the country. Mr Mnangagwa noted: “...the Constitution of Zimbabwe provides for an absolute prohibition of torture and other cruel, inhumane or degrading treatment or punishment. The effect of this, *inter alia*, is the removal of corporal punishment as a sentence of punishment.” (*NewsDay*, 18 December 2015).

Note: In 2015, the Zimbabwean Constitutional Court provisionally suspended a High Court order outlawing the caning of juveniles as a form of punishment.

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### 3. Campaigns and other moves towards prohibition

#### Regional campaigns

*East and Southern Africa:* In November 2015, the Action on Violence Against Children (AVAC) campaign was launched in Johannesburg, South Africa, by key child rights actors including the Africa Child Policy Forum, the African Committee of Experts on the Rights and Welfare of the Child, Child Helpline International, Plan International, Save the Children and Sonke Gender Justice, with UNICEF convening the multi-stakeholder campaign. The AVAC campaign is a multi-country campaign focusing on Kenya, Malawi, Swaziland, South Africa, UR Tanzania, Uganda, and Zambia. The campaign aims to build public awareness and galvanise political will and resources around the incidence and impact of child abuse and violence against children. In South Africa, through this campaign, Sonke Gender Justice [issued a statement](#) calling for law reform to prohibit corporal punishment of children in all settings, including in the home.

#### Positive discipline

*Rwanda:* During a roundtable discussion on positive discipline organised by Save the Children Rwanda in Kigali in October 2015, Robert Twongyeirwe, the pedagogical inspector of education of the Rwanda Education Board, announced that a Positive Disciplining Programme would be included in the new school curriculum to strengthen relationships between students and teachers. The roundtable was part of Save the Children Rwanda's Positive Discipline Programme, which will be rolled out in a number of Sectors of Burera District through discussions in families and schools. It aims to find ways of protecting children from corporal and humiliating punishment either at home or at school. (*The New Times*, 30 October 2015)

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### 4. Human rights monitoring

### **Key decisions and recommendations, etc.**

During its 26th ordinary session in November 2015, the [African Committee of Experts on the Rights and Welfare of the Child](#) examined Algeria, Republic of Congo, Gabon and Lesotho. The Committee raised the issue of prohibition and elimination of corporal punishment of children for each country.

The [Committee on Economic, Social and Cultural Rights](#) examined the fourth state party report of Burundi at its 56th session in September/October 2015. In its concluding observations, the Committee expressed concern at the legality and widespread tolerance of corporal punishment in the family and other settings and recommended that it be prohibited and prevented in all circumstances.

At the 30th session of the [Human Rights Council](#), held in September/October 2015, the working group reports of states reviewed in the 22nd session of the Universal Periodic Review (UPR) in May 2015 were adopted and Governments responded to the recommendations that were made during their reviews. Liberia had received a recommendation to abolish corporal punishment in all institutions and alternative care settings: the Government “noted” the recommendation. Malawi had also been reviewed at the 22nd session: no recommendation specifically on corporal punishment was made but general recommendations to bring national law into line with international human rights standards and to protect and promote child rights were made and have been accepted by the Government.

The 23rd UPR session was held in November 2015. Recommendations to prohibit corporal punishment were made to Rwanda and Sao Tome and Principe. Both Governments immediately accepted the recommendations. As noted above, this was a new public commitment to prohibition by Rwanda; for Sao Tome and Principe, it was confirmation of its commitment expressed at its previous UPR in 2011.

### **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. We are particularly trying to identify “key” NGOs and human rights institutions in each state with whom we can work more closely in briefing the treaty bodies: if you/your organisation is interested please contact [vohito@endcorporalpunishment.org](mailto:vohito@endcorporalpunishment.org).

Below is a list of African states coming up for examination by the treaty bodies. For

deadlines for submitting briefings to the Committees, please see the individual country reports on the [Global Initiative website](#). We are always willing to advise NGOs and human rights institutions on the practical details of how to submit briefings (email [vohito@endcorporalpunishment.org](mailto:vohito@endcorporalpunishment.org)).

*Committee on the Rights of the Child:*

- (1) Session 73 (Sep 2016). The Committee will examine [Sierra Leone](#) and [South Africa](#)
- (2) Session 75 Pre-Sessional Working Group (Oct 2016). The Committee will adopt Lists of Issues for [Cameroon](#)

*Committee Against Torture:*

- (1) Session 57 (Apr/May 2016). The Committee will examine [Tunisia](#)
- (2) Session 58 (Jul/Aug 2016). The Committee will examine [Burundi](#) and [Cabo Verde](#)

*Committee on Economic, Social and Cultural Rights:*

- (1) Session 57 (Feb/Mar 2016). The Committee will examine [Kenya](#) and [Namibia](#)
- (2) Session 57 Pre-Sessional Working Group (Mar 2016). The PSWG will adopt the List of Issues for [Tunisia](#)
- (3) Session 58 (Jun 2016). The Committee will examine [Angola](#) and [Burkina Faso](#)

*Committee on the Elimination of Discrimination against Women:*

- (1) Session 63 (Feb/Mar 2016). The Committee will examine [UR Tanzania](#)
- (2) Session 64 (Jul 2016). The Committee will examine [Mali](#)
- (3) Session 65 (Oct 2016). The Committee will examine [Burundi](#)

*Committee on the Rights of Persons with Disabilities:*

- (1) Session 5 Pre-Sessional Working Group (Mar 2016). The PSWG will adopt the List of Issues for [Ethiopia](#)
- (2) Session 15 (Mar/Apr 2016). The Committee will examine [Uganda](#)
- (3) Session 16 (Aug/Sep 2016). The Committee will examine [Ethiopia](#)

*Human Rights Committee:*

- (1) Session 116 (Mar 2016). The Committee will examine [Namibia](#), [Rwanda](#) and [South Africa](#); the Country Report Task Forces will adopt the List of Issues for [Morocco](#)
- (2) Session 117 (Jun/Jul 2016). The Committee will examine [Burkina Faso](#) and [Ghana](#)

## The Universal Periodic Review

The obligation to prohibit and eliminate corporal punishment of children continues to be raised with states in the Universal Periodic Review (UPR) of their overall human rights records. The Global Initiative submits briefings on every state being reviewed, sharing advance draft briefings with relevant organisations to encourage submissions at national level. We also conduct a follow up programme, pursuing the issue with states that accept recommendations to prohibit corporal punishment by writing to key NGOs, NHRIs and Government ministers, and undertake ongoing analysis of coverage of the issue in all aspects of the UPR process (for further information email [vohito@endcorporalpunishment.org](mailto:vohito@endcorporalpunishment.org)).

The next African states to be reviewed under the UPR process are as follows (for deadlines for submitting information to the review see the individual country reports on the [Global Initiative website](#)):

- (1) Session 25 (Apr/May 2016) – [Sudan](#), [Swaziland](#), [UR Tanzania](#)
- (2) Session 26 (Oct/Nov 2016) – [South Sudan](#), [Uganda](#), [Zimbabwe](#)

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## 5. Resources: Research/Reports/Publications

### Global resources

*UNICEF Research*: As part of UNICEF's Multi-Country Study on the Drivers of Violence Affecting Children, a new report, [Corporal Punishment in Schools: Longitudinal evidence from Ethiopia, India, Peru and Viet Nam](#), uses survey data collected from caregiver and child questionnaires to examine the prevalence of corporal punishment at different ages and what this means for children in terms of what they most dislike about being at school. The study found that corporal punishment remains prevalent in schools, especially at younger ages, despite prohibition. It also found that violence in schools, including physical and verbal abuse by teachers and peers, was the primary reason why children disliked school. In Ethiopia, three quarters of children aged eight reported witnessing a teacher administering corporal punishment in the last week. The study also found corporal punishment to have a significant negative effect on students' maths scores in Ethiopia.

### National resources

*Nigeria*: Conducted by the National Population Commission of Nigeria between

May and July 2014, [Violence Against Children in Nigeria: Finding from a national survey 2014](#) describes the magnitude and nature of sexual, physical and emotional violence experienced by children in Nigeria. The survey found that parents or relatives are the most common perpetrator of physical violence in childhood, while male teachers are the most frequent perpetrators of the first incident of physical violence. The survey also revealed that less than half of all respondents who experienced physical violence told someone about it and that physical violence was associated with higher rates of mental distress and suicidal thoughts. The survey involved a total of 4,203 males and females (1,766 females and 2,437 males) aged between 13 and 24.

(National Population Commission of Nigeria, UNICEF Nigeria, and the US Centers for Disease Control and Prevention (2015), *Violence Against Children in Nigeria: Findings from a National Survey, 2014*, Abuja, Nigeria: UNICEF)

*Uganda:* A [new article](#) explores the extent to which SASA! – a community mobilisation intervention that seeks to change community attitudes, norms and behaviors that result in gender inequality, violence and increased HIV vulnerability for women – impacted children’s exposure to violence. SASA! was designed and implemented respectively by Raising Voices and the Centre for Domestic Violence Prevention, both Uganda-based NGOs. The study was conducted between November 2007 and May 2012 in the Rubaga and Makindye Divisions of Kampala, Uganda. The [article](#) found that children in intervention communities were probably less exposed to violence due to reduced levels of intimate partner violence in their households. For some parents, exposure to SASA! resulted in them no longer using corporal punishment as a first resort. A small number rejected all forms of corporal punishment. SASA! supported this by advocating for non-violent forms of discipline.

(Kyegombe, N. *et al* (2015), *What is the potential for intervention designed to prevent violence against women to reduce children’s exposure to violence? Findings from the SASA! study*, Kampala, Uganda: Child Abuse & Neglect)

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## 6. Can you help?

### **Promoting positive, non-violent discipline**

We are collecting resources for the promotion of positive discipline in homes, schools and other settings in Africa for listing on the website. Contact [triona@endcorporalpunishment.org](mailto:triona@endcorporalpunishment.org) to suggest resources for inclusion. Resources which promote positive discipline as part of a campaign for law reform or which are clearly linked to prohibition that has already been achieved are especially welcome.

### **Research on corporal punishment of children**

Evidence of the nature and prevalence of corporal punishment gathered through national studies is important to keep the issue visible and to assess the effectiveness of implementation of prohibiting laws and of measures to change attitudes and practice. Please send us any recent research findings relevant to corporal punishment of children in Africa at the following address: [vohito@endcorporalpunishment.org](mailto:vohito@endcorporalpunishment.org).

### **And ...**

Other ways to contribute to the work of the Global Initiative include:

- sending us information on laws prohibiting or authorising corporal punishment
- letting us know about opportunities for promoting law reform (e.g. if draft legislation is being considered) and when new laws are passed which prohibit corporal punishment
- providing contact details for organisations actively working to promote the prohibition and elimination of corporal punishment of children.

If you can help with any of the above, please email [vohito@endcorporalpunishment.org](mailto:vohito@endcorporalpunishment.org).

We hope you find this newsletter informative and useful and welcome your comments: please email [vohito@endcorporalpunishment.org](mailto:vohito@endcorporalpunishment.org). If you do not want to receive future editions, please tell us at [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org). If your organisation is not listed as supporting the aims of the Initiative, please consider signing up ([on our website](#) or email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)).

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