



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

## **Ending Corporal Punishment of Children: Africa E-Newsletter**

FRENCH VERSION ALSO AVAILABLE

Issue 7: February 2012

### **In this issue**

The highlight of this issue is the announcement that the Republic of Congo has joined the list of States prohibiting all corporal punishment of children in all settings. Prohibition was included in article 53 of its Law on the Protection of the Child (2010). There are now five African states fully prohibiting corporal punishment of children.

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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 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).

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## 2 Recent developments in Africa

### Prohibition of all corporal punishment

*Republic of Congo:* Article 28 of the Law on the Protection of the Child (2010) states that children have a right to be guided by their parents. Article 53 states that corporal punishment may not be used to discipline or correct a child (“Il est interdit de recourir aux châtiments corporels pour discipliner ou corriger l’enfant”). This explicitly prohibits all corporal punishment of children in all settings, including the home. Article 107 states that persons who inflict cruel inhuman or degrading punishment on children are liable to the penalties in the Penal Code. Article 130 states that international conventions ratified by the Republic of Congo on the rights of the child are an integral part of this law; article 131 repeals all previous laws in conflict with the new law. This brings the total number of states in Africa to have achieved prohibition in all settings, including the home, to five; worldwide the total number is now 32. Detailed information is available at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org).

### Positive moves

*Mali:* In December 2011, Mali adopted a new Family Code which removes the legal defence for the use of corporal punishment. However, this is a silent repeal and further reform is necessary to explicitly prohibit all corporal punishment.

*South Africa:* As the Children’s Act is about to be amended, a proposed ban on corporal punishment in South African homes is strongly supported by the Department of Social Development (DSD). In January 2012, Ms Lumka Oliphant, DSD spokesperson stated: “Extensive research was done during the review of the Child Care Act on corporal punishment, and DSD strongly supports the abolishment of corporal punishment in all settings.” She added that the prohibition process would be subjected to extensive public consultations and comments before it goes to Parliament (*The Citizen*, 30 January 2012). In line with the proposed prohibition, UNICEF issued a [statement](#) urging the Government of South Africa to embark on legislative reform together with a civic education programme that will provide parents and caregivers with skills and knowledge to employ positive discipline in the raising of their children. UNICEF Representative, Aida Girma added that corporal punishment in any setting – home, school and the penal system – is a

violation of children's rights and results in physical, emotional and psychological harm. The law reform proposal is also supported by the Children's Rights Project based at the University of the Western Cape as well as other children's organisations.

### **But...**

*Ghana:* Former MP for Sunyani West, Mr Kwadwo Adjei-Darko, has called for the re-introduction of corporal punishment in basic schools. (*Ghana News Agency*, 21 December 2011) [Note: Corporal punishment is lawful in schools in Ghana. Ministerial directives advise against its use but this has not been confirmed in legislation.]

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## **3 Campaigns and other moves towards prohibition**

*Ghana:* In December, the Commission on Human Rights and Administrative Justice (CHRAJ) published its 2005-2011 report on the state of human rights in Ghana. In presenting the report in Accra, Commissioner Ms Laureta Vivian Lamptey called on the Government to repeal the law on corporal punishment from the statute books (*Ghana News Agency*, 9 December 2011). The Commission has also called on the Ghana Education Service to ensure compliance with its policy on corporal punishment in schools, until caning is discontinued altogether (*ModernGhana.com*, 23 December 2011).

*Uganda:* In the context of the International Day of Children's Rights on November 20th, [Text to Change](#) and [War Child](#) started an SMS-campaign in Uganda: "Let me Live and Learn with Dignity: Stop Corporal Punishment Now!" The SMS campaign, which ran from November to December 2011, was designed to support the War Child campaign by sending information about violence prevalence and alternative disciplining methods. The overall aim of the campaign was to increase awareness on the effects of violence against children in general and physical and emotional punishment in schools and communities in particular and to hold duty bearers in schools and communities to account for their (in)action in ending violence against children including corporal punishment. War Child supported several groups of children to organise local campaign activities during this period, giving them the opportunity to meet with community leaders and discuss these topics. Text messages were sent to participants including local representatives, teachers and parents, in Luo and English during the campaign. Following the campaign, the Pader district committed itself to discuss a ban of corporal punishment as a priority during their December District Council meeting. For more information on the outcomes of the campaign, please check [www.texttochange.org](http://www.texttochange.org) and [www.warchild.com](http://www.warchild.com).

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## **4 Human rights monitoring**

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

In December 2011, a new **Optional Protocol to the Convention on the Rights of the Child** was adopted by the UN General Assembly which provides for a complaints procedure for violations of children's rights. Welcoming the new instrument, UN High Commissioner for

Human Rights Navi Pillay said: “Children will now be able to join the ranks of other rights-holders who are empowered to bring their complaints about human rights violations before an international body.... We see every day examples of a wide range of human rights violations against children – from discrimination to child trafficking to all forms of physical or mental violence. I encourage States to sign this Optional Protocol to give child victims of such violations direct access to an international human rights complaints mechanism.” Further information is available [here](#).

The working group reports of states reviewed during the 12<sup>th</sup> session of the **Universal Periodic Review** in October are now available. Recommendations were made to prohibit corporal punishment and were accepted by the Government of [UR Tanzania](#); similar recommendations were rejected by the Government of [Zimbabwe](#). The Global Initiative has now completed an analysis of the whole first cycle of the UPR which will shortly be available on the [website](#) or email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org).

The **Committee Against Torture** published its concluding observations following its 47<sup>th</sup> session in October/November, addressing corporal punishment of children for almost all states examined. To Djibouti, Madagascar and Morocco – all of which allow corporal punishment in the home and in settings outside the home – the Committee recommended law reform to prohibit all corporal punishment of children. For details of the legality and practice of corporal punishment, including extracts from the Committee’s recommendations, see the Global Initiative’s individual country reports for [Djibouti](#), [Madagascar](#) and [Morocco](#).

The **African Committee of Experts on the Rights and Welfare of the Child** released its report on the 18<sup>th</sup> session, held in Algeria in November/December. The Committee asked questions about corporal punishment in its examinations of Niger and Senegal. The recommendations made to states are not yet available. For details about the legality of corporal punishment, see the Global Initiative’s individual country reports for [Niger](#) and [Senegal](#).

During a technical workshop on achieving law reform to prohibit all corporal punishment in West African states, held in Ouagadougou, Burkina Faso on December 2011 (see issue no. 6 of this newsletter), Mme Agnes Kabore, the Chairperson of the African Committee, formally stood against corporal punishment of children in all settings including in the home. In her address Mme Kabore called on African states to engage in law reform for the prohibition and elimination of all forms of corporal punishment. She also strongly encouraged child participation for reporting child abuse and corporal punishment.

### **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)). We are particularly keen to encourage African NGOs/NHRIs to submit information to the treaty bodies and during the coming year we will be contacting those we know are working on the issue to share our own briefings as we are drafting them. If you are interested in engaging in this work please email [vohito@endcorporalpunishment.org](mailto:vohito@endcorporalpunishment.org).

- The *African Committee of Experts on the Rights and Welfare of the Child* will be meeting at its 19<sup>th</sup> session from 26 to 30 March 2012. Information about the session and which states will be examined is not yet confirmed. **Please check the Committee's [website](#).**
- The *African Commission on Human and People's Rights* will be meeting at its 51<sup>st</sup> session from 26 April to 2 May 2012 to consider the state party report of Angola. For more information about the session and the **deadline for submitting briefings to the Commission, please check the Commission's [website](#).**
- The *Committee on the Rights of the Child* pre-sessional working group will be meeting in June 2012 to decide on the Lists of Issues for future examinations of states. Detailed information is still to be confirmed. **For more information, please check the Committee's [website](#).**
- The *Committee Against Torture* pre-sessional working group will be meeting in May/June 2012 to adopt Lists of Issues for Gabon, Senegal and Togo. **Briefings should be submitted by 7 March 2012.**
- The *Committee on Economic, Social and Cultural Rights* pre-sessional working group will be meeting in May 2012 to consider the issues to raise in its forthcoming examinations of Republic of Congo and Equatorial Guinea. **Briefings on these countries should be submitted by 1 April 2012.**
- The *Committee on the Elimination of Discrimination against Women* pre-sessional working group will be meeting in July/August 2012 to consider the issues to raise in its future examination of Angola. **Briefings should be submitted by 25 June 2012 (date to be confirmed).**
- The country report task forces of the *Human Rights Committee* will be meeting in July 2012 to adopt the List of Issues for Angola. **Briefings should be submitted by 9 April 2012.**
- The 14<sup>th</sup> session of the *Universal Periodic Review* will take place in October/November 2012. **Briefings should be submitted by 19 March 2012 for Gabon, Ghana and Benin; by 26 March 2012 for Zambia.**

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## **5 Resources: Research/Reports/Publications**

### **\*NEW: GLOBAL PROGRESS REPORT 2011\***

The new global progress report for 2011, published jointly by the Global Initiative to End All Corporal Punishment of Children and Save the Children Sweden, was released in December. The report charts the progress and the delay in prohibiting corporal punishment of children worldwide, with graphic analyses covering the five years since the UN Study on Violence against Children recommended prohibition as a matter of priority. It describes the work of the Global Initiative, active campaigns for prohibition at regional and national levels, and the involvement of faith groups in the issue. It includes a state by state analysis of the legality of corporal punishment in the home, schools, penal systems and alternative care settings. The report is available [online](#); for hard copies email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org).

## National research and resources

*Equatorial Guinea*: The National Child Protection Study, carried out by the Ministry of Social Affairs and Promotion of Women in 2008-2009, found that 80% of children and young people had experienced physical punishment or verbal aggression in the family. The study involved 749 children, 152 parents and 100 teachers. (Reported in the sixth periodic report of Equatorial Guinea to the Committee on the Elimination of Discrimination against Women, 14 April 2011, CEDAW /C/GNQ/6)

*Nigeria*: Okpalaobi B. N., Onyi-Ogelle H. O. (2012), “ Corporal punishment- A global trend towards child’s rights protection in Nigeria”, *Kuwait Chapter of Arabian Journal of Business and Management Review*, Vol. 1, No.5, January 2012. This research paper examines the constitutionality or otherwise of corporal punishment on Nigerian children, often imposed by adults and in institutions that take care of children. It analyses and synthesises the jurisprudence and legal frameworks that support or do not support corporal punishment. The paper finds that corporal punishment is a deprivation and a gross violation of children’s human rights to life, health, dignity and integrity. It also looks at how the international community views the issue and makes a case for urgent legislative reforms in Nigeria banning “excessive” corporal punishment on children.

*Uganda*: The NGO Raising Voices has released the second edition of their [Good School Toolkit](#). The Toolkit is part of the Raising Voices’ Good School program which aims at developing a holistic and sustainable methodology for creating violence-free schools. The program aims to develop and disseminate practical tools to enable practitioners to prevent violence against children in schools. The Good School Toolkit contains ideas and tools to help educators explore what a good school is and guide them through a process to create one. It was developed with the help of schools in Uganda and focuses on ideas and activities that do not require specific financial resources. The second edition of the Good School Toolkit is composed of two packages that equip readers with resources to share with community members and to explore what it means to be a good teacher, as well as introducing new skills and methods for motivating teachers who excel as educators and take pride in their work. The Toolkit is for educators (teachers, school administrators, parents, school governance officers) who are involved in the day-to-day running of a school. For more information, please contact [Kristen@raisingvoices.org](mailto:Kristen@raisingvoices.org) and [dipak.naker@raisingvoices.org](mailto:dipak.naker@raisingvoices.org).

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## 6 Media watch

*Algeria*: A school boy was taken to hospital in Khenchela after he collapsed in his classroom. It was reported that the 7 year old was hit with a pipe in his arms and head by his teacher until he fell unconscious. He was incapacitated for 9 days and the case was reported to the police. (*Liberté*, 8 February 2012)

*Central African Republic*: A mother was arrested on suspicion of inflicting severe corporal punishment on her 5 year old son. She reportedly locked her son in a room and severely hit him because he ate without her authorisation. The child was transferred to hospital. (*Journal de Bangui*, 3 January 2012)

*Kenya*: The death of a schoolchild prompted a reminder from Gabriel Lengoiboni, secretary-general of the Kenyan Teachers Service Commission, that corporal punishment of students is torture. Because the student failed to do all of his homework, he was caned; he died days later, allegedly due to the beating. (*Daily Nation*, 22 January 2012). [Note: The 2010 Kenyan Constitution prohibits all corporal punishment of children.]

*Zimbabwe*: A Zimbabwean teenager has been convicted of “criminal insult” and sentenced to two strokes of a cane for posting a rude comment about a woman on Facebook. (*New York Daily News*, 20 February 2012)

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## 7 Events in the region

### **East Africa workshop on prohibition and elimination of physical/corporal punishment and all other forms of cruel and degrading punishment, Zanzibar, Tanzania, 18<sup>th</sup> – 24<sup>th</sup> March 2012 (by invitation only)**

Organised by Save the Children Sweden and Save the Children UK, in collaboration with the Global Initiative to End All Corporal Punishment of Children, the workshop will involve about 50 participants including government representatives, civil society organisations, and development partners in Kenya, Sudan, South Sudan, Ethiopia, Uganda, Tanzania, Rwanda and Burundi.

The workshop objectives are:

- i. to increase knowledge about what law reform means and how to achieve it through advocacy.
- ii. to highlight successful campaigns with presentations from countries that have achieved a total ban on corporal punishment (South Sudan/Kenya).
- iii. to train participants on positive discipline and alternatives to physical punishment.
- iv. to develop national action plans for each participating country for prohibition and elimination of physical punishment and other cruel or degrading forms of punishment, including the promotion of positive, non-violent discipline, that can be communicated clearly and pursued following the workshop in each participating country.

For more information, please contact [faridab@ecaf.savethechildren.se](mailto:faridab@ecaf.savethechildren.se).

### **Outcomes of past events**

#### **Kampala Conference: “Deprivation of children’s liberty as the last resort”, Kampala, Uganda, 7/8 November 2011**

In November 2011 a conference organised by Defence for Children International and the African Child Policy Forum at Munyonyo, in Kampala, brought together representatives of governments, CSOs, INGOs, the Africa Committee of Experts on the Rights and Welfare of Child, the UN Committee on the Rights of the Child, the African Union, UN agencies, UN experts and other experts, from all over Africa and other parts of the world, to discuss justice for children in Africa, taking into account the views of children. They adopted the [Munyonyo Declaration on Justice for Children in Africa](#), which called on stakeholders for concrete action. In its preamble

the Declaration recognises that corporal punishment and other forms of child abuse are still not totally regarded as abuse. During the conference, the [Guidelines on Action for Children in the Justice System in Africa](#) were developed. They are to be used as an instrument to guide law reform, to achieve full implementation of international juvenile justice standards and to coordinate actions by various role-players in formal and informal justice systems in Africa. The Guidelines recommend that corporal punishment should not be used on children. A study entitled [“Towards Child Friendly Justice in Africa”](#) was also published. It introduces the fundamental principles of a child friendly justice system and analyses the child friendliness of the systems in African countries. The study provides examples of case law and the legality of corporal punishment in national contexts and recommends that corporal punishment is outlawed as a sentence of the courts.

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## 8 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 [vohito@endcorporalpunishment.org](mailto:vohito@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 let us know of any research studies on corporal punishment that have been carried out recently or that are being planned (email [vohito@endcorporalpunishment.org](mailto:vohito@endcorporalpunishment.org)).

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

*Penal system (disciplinary measure in penal institutions)* – Guinea, Liberia, Sao Tome and Principe

We hope you find this newsletter informative and useful and welcome your comments: please email [vohito@endcorporalpunishment.org](mailto:vohito@endcorporalpunishment.org). We are sending the newsletter to supporters of the aims of the Global Initiative and others who we think will be interested. If you do not want to receive future editions, please tell us at [vohito@endcorporalpunishment.org](mailto:vohito@endcorporalpunishment.org). If your organisation is not listed as supporting the aims of the Initiative, please consider signing up (online at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org) or email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)).

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