



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

GLOBAL INITIATIVE NEWSLETTER 8

(JUNE 2009)

The Government of Southern Sudan has become the first Government in Africa to prohibit all corporal punishment of children, including by parents. Reform is under way elsewhere in Africa and other regions, and opportunities to promote law reform are arising continually across the world. This newsletter provides a taste of what is going on globally, access to the growing bank of resources to support law reform, and – hopefully – inspiration to take action to promote law reform wherever you are. Please contact us if you would like advice and support: email info@endcorporalpunishment.org.

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1 GLOBAL PROGRESS

States with full prohibition

The government of **Southern Sudan** has achieved law reform to prohibit corporal punishment in all settings, including in the family home. Section 21 of the new Child Act, officially launched in April, states: “Every child has the right to be protected from torture, cruel, inhuman or degrading treatment or punishment, and in particular ... (b) no child shall be subjected to corporal punishment by chiefs, police, teachers, prison guards or any other person in any place or institution, including schools, prisons and reformatories.” Section 21 of the Interim Constitution of Southern Sudan states: “Every child has the right ... (f) to be free from corporal punishment and cruel and inhuman treatment by any person including parents, school administrations and other institutions.” Southern Sudan has a separate government and separate legislative system from Northern Sudan, under the Common Peace Agreement, but it is not as yet an independent state and so not added to the list of autonomous states that have achieved law reform.

Moves towards prohibition elsewhere

Kenya: In a public speech in February, the Minister for Gender, Children and Social Development stated: “Corporal punishment de-humanizes the child, is brutal and instils fear in the child which inhibits the child’s normal growth, productivity and creativity.... Focus should be placed on alternative forms of instilling discipline and replicating best practices evident elsewhere. It is also incumbent on all of us to identify urgently all the sections in our laws that allow for some caning or corporal punishment so that the necessary action can be taken.” Amendments to article 127 of the Children Act 2001 have now been drafted which would repeal the “right of any parent or other person having the lawful control or charge of a child to administer reasonable punishment on him”.

Namibia: The Legal Assistance Centre is consulting on a draft Child Care and Protection Bill, with a view to tabling it before Parliament later in 2009. The draft explicitly prohibits corporal punishment in “any place of safety, shelter, children’s home, place of care or an educational and vocational centre” and states that those with parental authority must respect the child’s right to physical integrity, but it does not as yet include repeal of the defence of “reasonable chastisement” to charges of assault of a child by a parent.

Nigeria: The Child Rights Act 2003 has been passed into law in Cross River state, making it unlawful for a court to order a child to be subjected to corporal punishment. The Act is now in force in 23 of Nigeria’s 36 states.

US: In Louisiana, Rep. Barbara Norton has filed House Bill 571 to ban all corporal punishment in public schools.

But ...

US: Senate Republicans in Ohio amended the 2010-11 budget bill sent to their chamber by the Democrat-controlled House to remove a ban on corporal punishment in schools. (*The-Review.com*, 30 May 2009)

National strategies to promote law reform

Regional workshops on achieving law reform to prohibit all corporal punishment have been held in Bangkok (Thailand) and Nairobi (Kenya), led by Save the Children Sweden, the Global Initiative and the Churches’ Network for Non-violence. In March, 40 child rights advocates

from 19 countries in **Southeast Asia and the Pacific** participated in the workshop which addressed key issues in law reform, including how to review legislation and identify where reform is needed, how to work with governments and parliaments and how to turn faith-based opposition into support. National strategies to pursue law reform were drafted for China, Fiji, Hong Kong, Indonesia, Japan, Lao PDR, Mongolia, Papua New Guinea, Philippines, Republic of Korea, Samoa, Solomon Islands, Thailand, Timor-Leste, Vanuatu and Viet Nam. These strategies are included in the report of the workshop, now available (see below). In May, another workshop focused on **East and Central Africa** and resulted in draft national strategies for law reform in Ethiopia, Kenya, Northern Sudan, Rwanda, Tanzania and Uganda, and Southern Sudan developed a strategy for implementing the prohibiting legislation already enacted.

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2 CAMPAIGNS AND CALLS FOR PROHIBITION

Campaigns

Australia: The End Physical Punishment of Children Alliance-Children Are Unbeatable (EPPA-CAU) is campaigning for prohibition of all corporal punishment throughout Australia, and has drawn up a charter calling on all parliaments in Australia to enact legislation to give children equal protection from assault. In Tasmania, EPOCH (Tas) is consulting on a bill to repeal the provisions for the use of force “by way of correction” in the Tasmanian Criminal Code 1924.

Croatia: The national football team in Croatia – where corporal punishment was prohibited in all settings in 1999 – is supporting a campaign to raise awareness among adults that corporal punishment of children is wrong and can have permanent negative consequences. Its first initiative this month will be to show a video at the Croatia-Ukraine World Cup 2010 match in Zagreb, and the children leading the players onto the field will wear T-shirts saying “I need love”. (*Croatian Times*, 6 June 2009)

Jamaica: In June the Ministry of Education and UNICEF launched a public education campaign to promote positive disciplinary methods in schools. The Jamaica Teachers’ Association is not in favour of corporal punishment, though the Child Care and Protection Act 2004 prohibits only corporal punishment resulting in injury and the teachers code of practice allows for corporal punishment within certain limits. (*Jamaica Observer*, 5 June 2009)

Nigeria: The Child Rights Network (CHIRN) has launched a bulletin as part of its campaign to promote prohibition of all corporal punishment. *Discipline ... Ending Violence & Corporal Punishment Against Children* is distributed free to stakeholders in child protection. The first edition includes interviews with children and government officials on corporal punishment, promotes the recommendations of the UN Study on Violence against Children and the 2009 target date for prohibition of all corporal punishment, and highlights the countries which have already achieved law reform. For further information contact info_chirn@yahoo.com.

Turkey: [Ankara Child Rights Platform](#), a coalition of child rights NGOs in Turkey, is running a campaign to raise awareness on all forms of violence against children and to promote law reform, following up the recommendations of the UN Study on Violence against Children and the Council of Europe’s regional campaign to ensure prohibition of all corporal punishment.

UK: The [Churches’ Network for Non-violence](#) (CNNV) is organising a roadshow/exhibition for July 2009 until April 2010. The aim of the roadshow – *Growing up without violence: End legalised*

violence against children – is to visit all regions in England to generate new partnerships and multi-faith/community involvement in the campaign for equal protection from assault for children. CNNV will work with local teams of supporters and volunteers in workshops, dialogue, seminars, drama, services of worship, and events involving children and young people. The roadshow will be launched at Emmanuel Church, Cambridge, on 9 July. CNNV's statement on equal protection is now online. New supporters include leaders of bible-based churches including the New Testament Church of God and the Council of African Caribbean Churches.

Calls for prohibition

Mauritania: Religious leaders have called for an end to corporal punishment. Working in partnership with the Imams' and Religious Leaders' Network for Child Rights, UNICEF studied the nature and extent of corporal punishment in schools, including mahadras, and in the home. The Imams' Network examined whether corporal punishment is allowed in the Koran and concluded that it has no place. These results will form the basis of a fatwa banning corporal punishment of children in the education system and the home. (*UNICEF*, 6 May 2009)

Nigeria: Speaking at a meeting on the promotion and protection of child friendly schools in Katsina, the wife of the State Governor, Hajiya Fatima Shema, called for an end to corporal punishment in public and private schools. (*Daily Trust*, 7 May 2009)

US: The Hitting Stops Here campaign, together with Parents and Teachers Against Violence in Education and other child rights advocates continues to campaign for a federal ban on corporal punishment in schools. A demonstration is planned in Washington DC for 24-26 June. There is also a petition to President Obama.

NEW AND UPDATED RESOURCES

Promoting law reform

The report of the Southeast Asia and the Pacific regional workshop on law reform to prohibit corporal punishment (see above) has been published by **Save the Children Sweden** and is available on the Global Initiative website. *Prohibiting all corporal punishment in Southeast Asia and the Pacific* develops further the steps that need to be taken in promoting law reform that were outlined in the 2008 Global workshop, with a particular focus on states in Southeast Asia and the Pacific, and includes national strategies for achieving reform in the countries represented at the workshop. A shorter summary version will be available soon.

Save the Children Sweden and the **Global Initiative** have published a new booklet to support law reform which addresses Frequently Asked Questions about prohibiting corporal punishment in all settings, including the home. It provides answers to the most common questions and dispels misconceptions about the reasons for prohibition and what its impact on families would be. This and a child-friendly version is available on the Global Initiative website. French and Spanish versions will be available shortly.

Using human rights mechanisms

UNICEF has produced a guide on the Convention on the Elimination of All Forms of Discrimination Against Women and the work of the monitoring committee – CEDAW and the reporting process to the Committee on the Elimination of Discrimination Against Women. The stages of reporting are described

and guidance is given on how to actively engage in the process and use the Convention as a tool for promoting women's and children's human rights. The Global Initiative regularly briefs the Committee on the Elimination of Discrimination Against Women on the issue of corporal punishment (see below).

The second edition of *The Rights of the Child in the Inter-American Human Rights System* published by the **Inter-American Commission on Human Rights** is now available (also in [Spanish](#)). The document, with accompanying CD, sets out the current status of the Inter-American instruments, mechanisms and decisions on the rights of the child.

Plan International and **Save the Children Sweden** have published *Advancing Children's Rights – A Guide for Civil Society Organisations on how to engage with the African Committee of Experts on the Rights and Welfare of the Child*, a guide for civil society organisations on how to work within the existing child rights structure in Africa towards implementation of the African Charter on the Rights and Welfare of the Child. A French version will be available soon.

An Arabic [Guide to child rights mechanisms](#) has been published by the **Child Rights Information Network** (CRIN).

Child participation

The regional workshop on law reform to achieve prohibition of corporal punishment held in Bangkok in March (see above) was followed by a two day workshop on involving children in addressing violence against them, including corporal punishment. The report of this workshop – *Involving children and young people in violence prevention and protection*, published by **Save the Children Sweden** – is now available as a download on the [Global Initiative website](#).

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3 RESEARCH AND REPORTS

India: HAQ Centre for Child Rights has published its report on the status of child rights in India. *Still Out of Focus: Status of India's Children* focuses on exclusion and discrimination, and draws attention to the way corporal punishment drives children out of schools.

Ireland: The [report of the Commission to Inquire into Child Abuse](#), established in 2000 to investigate abuse of children in industrial and reform schools between 1914 and 2000, was published in May. The Commission uncovered the routine use of severe and arbitrary corporal punishment, with Department of Education guidelines for its infliction not adhered to and complaints by parents and others not investigated.

UK: The National Assembly for Wales' Children and Young People Committee has published the report of its inquiry into *Parenting in Wales and the delivery of the Parenting Action Plan*. The plan set out what the Government intended to do for parents between 2005 and 2008, including the provision of all necessary advice and support (the Welsh Assembly Government supports equal protection for children but is unable to enact it under the terms of devolution in UK law). The Committee makes a number of recommendations, including that the Government should conduct a public information and education campaign to promote positive parenting and non-violence towards children.

US: Government auditors have uncovered widespread abuse of restraint and disciplinary techniques on special education students in US schools, with some cases leading to death (*Seclusions and Restraints: Selected cases of death and abuse at public and private schools and treatment*

centers). The Government Accountability Office reviewed relevant legislation on public and private schools and examined student death and abuse from these methods over the last 20 years. It found that there are no federal laws restricting the use of seclusion and restraints in public and private schools and state laws are widely divergent on the issue.

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4 MEDIA WATCH

A selection of media reports on corporal punishment:

Australia: A man who repeatedly hit his 5 year old daughter with a belt for stealing money was convicted of aggravated assault and fined \$1000. The child was placed in foster care. In sentencing, magistrate Greg Cavanagh said that even if the man had been brought up with similar punishments, society no longer accepted it: “In this modern age, physical punishment of children is seen to be barbaric.” (*Adelaide Now*, 8 April 2009)

Barbados: Government Senator, Reverend Peter Millington, defended corporal punishment during parliamentary debate, stating that “the Word of God makes it very clear ... foolishness is bound in the heart of a child and the rod of correction shall drive it far from him” Senator Haynesley Benn, the Minister of Agriculture and a former teacher, argued that corporal punishment should be retained in schools. But Minister of Education and Human Resource Development Ronald Jones argued that alternatives to corporal punishment should be found, saying “I do not know if as a Christian society, we should be seeing today corporal punishment as the first step in trying to change the lives of people” and that no society should be happy charting a “pathway of pain”. (*The Barbados Advocate*, 13 & 31 May 2009)

Botswana: Residents of Mahalapye called for corporal punishment to be re-introduced. Headman of Arbitration for Thomadithotse ward, Mr Bantsekae Gabatshwane said that “if [deviants] are carefully and properly whipped they will think twice about committing a crime next time” and that it would make children think twice before beating their parents. (*Botswana Press Agency*, 20 April 2009)

India: 11 year old Shano Khan died shortly after receiving corporal punishment at school. Her death prompted a demonstration outside the Dehli Police Headquarters, with protesters carrying placards saying “Stop Corporal Punishment in Schools” and calling for the arrest of the teacher concerned, but the case was shelved and no action was taken against school management. The National Commission for Protection of Child Rights (NCPCR) has issued new guidelines to state governments urging them to take action against officials who fail to stop corporal punishment in schools. NGOs are training “child reporters” to keep diaries documenting their experiences of corporal punishment in schools. The AP Chapter of the All India Teachers Forum for Child Rights is to initiate a campaign against corporal punishment in schools with a series of sensitisation programmes involving teachers, parents and students. (*Bombay News*, 21 April 2009; *The Times of India*, 5 June 2009; *Thaindian News*, 19 April 2009; *Express News Service*, 2 June 2009)

Malaysia: The government is revising the use of corporal punishment in schools, with a view to issuing specific guidelines on how it should be implemented. (*Khaleej Times*, 7 April 2009)

Pakistan: Chief Justice Iftikhar Chaudhry has ordered an investigation into the flogging of a 17 year old girl in Swat, after a video was circulated of her apparently being held down by Taleban members and being hit with a strap. The punishment was reportedly for having illicit relations with a man whom she was later forced to marry. (*BBC News*, 6 April 2009)

The Society for the Protection of the Rights of the Child (SPARC) organised a consultancy session on corporal punishment involving people from NGOs and schools and parents. Awareness was raised about the negative impact of corporal punishment on children's education and development. (*Daily Times*, 22 May 2009)

Republic of Korea: Within weeks, two students in Gwangju have committed suicide after being physically punished by their teachers. In another case, a teacher in Incheon received a two year suspended jail sentence for repeatedly beating two elementary school students. A news report describes teachers routinely coming to school with implements, or "love sticks", to hit students for such behaviour as being late, scoring low on tests, talking, etc. (*The Korea Herald*, 13 May 2009; *The Korea Times*, 25 May 2009)

Russian Federation: In a televised statement, St Petersburg ombudsman Igor Mikhaylov admitted that he used to beat his daughter with a belt and advised parents to buy soft belts to whip their children in order to avoid internal damage. (*Russian Service*, 2 June 2009)

South Africa: Corporal punishment continues to be used in schools, despite being unlawful. Childline reported receiving at least one complaint a day from pupils being assaulted in the classroom, with some pupils being beaten with sjamboks, belts and whips. A number of teachers are under investigation. (*The Times*, 9 May 2009; *Independent Online*, 30 April 2009)

United Arab Emirates: Inspections by the Dubai Schools Inspection Bureau between October 2008 and April 2009 found corporal punishment being openly used in 10 public and private schools. The schools have been told to stop the practice immediately and implement effective discipline programmes which do not include corporal punishment. (*Khaleej Times*, 18 May 2009)

US: The licence of a day-care provider in New Hampshire has been revoked following repeated incidents of corporal punishment and other failings in provision. The decision is being appealed. (*Concord Monitor*, 22 April 2009)

A round-table discussion was held at the US Society for Research in Child Development conference in Denver to consider why parents continue to smack children and why there has been no public health campaign to deter them, despite overwhelming evidence of the negative effects of corporal punishment on children and no evidence that it does any children any good. Professor George Holden (University of Texas) argued that social change necessitates research which properly understands parents' perspectives. Professor Liz Gershoff (University of Michigan) drew attention to the lack of research data on the negative impact of corporal punishment on school outcomes. Professor Joan Durrant (University of Manitoba) highlighted countries which had achieved legal reform alongside changing their views about children. Professor Murray Straus (University of New Hampshire) argued that there was sufficient evidence of the negative effect to warrant a public health approach but pointed to popular attachment to the status quo, concluding: "It is still the biggest secret in child development research that children who are not hit by their parents are the most well-adjusted." (*Prevention Action*, 8 April 2009)

Yemen: Save the Children and the Ministry of Education held workshops and discussions with parents of children from 30 schools in Sana'a, Aiden, Taiz and Lahj to promote positive, non-violent parenting. It is hoped that, following evaluation, the project will be rolled out nationally. (*Yemen Times*, 3 June 2009)

Zambia: A 12 year old child was admitted to hospital after sustaining serious injuries from being caned at school. (*Lusaka Times*, 23 May 2009)

5 HUMAN RIGHTS MONITORING

Key decisions and recommendations, etc.

The 42nd session of the **Committee on Economic, Social and Cultural Rights** took place in May. In its concluding observations on the UK, the Committee recommended – for the second time – that the government prohibit by law all physical punishment of children in the home.

The **Committee Against Torture** published its concluding observations on states examined at its 42nd session. To Chad, the Committee expressed concern at the legality of corporal punishment, and recommended prohibition by law in relation to families, religious and other institutions and in places of detention. The Committee welcomed the enactment in New Zealand of the Crimes Amendment Act 2007 which repeals the legal defence for the use of reasonable force “by way of correction” in section 59 of the Crimes Act 1961.

The **Inter-American Commission on Human Rights** published its [Annual Report 2008](#) in May. In describing the activities of the Rapporteurship on the Rights of the Child, the report states (para. 82): “The Rapporteurship believes it worth noting that promotion of non-violence against children is the core theme of the agreement signed with the IDB [Inter-American Development Bank]. In that connection, the Rapporteur elected to center its efforts on the development of specific standards by which to bring about elimination of corporal punishment as a method to discipline children, which constitutes a form of violence that is tacitly accepted and ignored in the Americas.... Further to the provisions of the agreement signed with the IDB, the Rapporteurship is presently engaged in the preparation of a study with the aim of promoting measures to turn the Americas into a region free from corporal punishment against persons under 18 years old.”

Briefing the Committees

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 always willing to advise NGOs and human rights institutions on the practical details of how to submit briefings (email info@endcorporalpunishment.org).

The *Committee on the Rights of the Child* is holding its 52nd session in September/October 2009 and will examine the following states: *Convention on the Rights of the Child* – Bolivia, Mozambique, Pakistan, Philippines, Qatar; *Optional Protocol on the Involvement of Children in Armed Conflict* – Poland, Turkey; *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography* – Poland, Yemen.

At the same session, the Pre-Sessional Working Group of the Committee will be drafting lists of issues and questions for future examination of: *Convention on the Rights of the Child* – Burkina Faso, Cameroon, Ecuador, El Salvador, Mongolia, Norway, Paraguay, Tajikistan; *Optional Protocol on the Involvement of Children in Armed Conflict* – Ecuador, Israel, Mongolia, Sierra Leone; *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography* – Ecuador, El Salvador, Mongolia, Sierra Leone. **Briefings on these states should be submitted before 1 September 2009.**

The *Committee Against Torture* will be holding its 43rd session in November 2009 and will examine: Azerbaijan, Colombia, El Salvador, Republic of Moldova, Slovakia, Spain, Yemen.

At the same session, the Pre-Sessional Working Group will be considering issues and questions

for future examination of: Austria, Cameroon, France, Jordan, Liechtenstein, Switzerland, Syrian Arab Republic. **Briefings on these states should be submitted before 19 October 2009.**

The *Committee on Economic, Social and Cultural Rights* will be holding its 43rd session in November 2009 and will examine: Chad, Democratic Republic of Congo, Gabon, Madagascar, Poland, Republic of Korea, .

At the same session, the Pre-Sessional Working Group will consider issues and questions for future examination of: Afghanistan, Dominican Republic, Netherlands, Netherlands Antilles, Switzerland, Tanzania, Uruguay. **Briefings on these states should be submitted before 2 November 2009.**

The *Human Rights Committee* will be holding its 96th session in July 2009 and will examine: Azerbaijan, Chad, Netherlands, United Republic of Tanzania.

At the same session, the Country Report Task Forces will consider issues and questions for future examination of: Argentina, Ecuador, Mexico, New Zealand, Uzbekistan. **Briefings on these states should be submitted before 6 July 2009.**

The *Committee on the Elimination of Discrimination against Women* will be holding its 44th session in July/August 2009 and will examine: Azerbaijan, Bhutan, Denmark, Guinea-Bissau, Japan, Lao People's Democratic Republic, Liberia, Spain, Switzerland, Timor Leste, Tuvalu.

At the same session, the Pre-Session Working Group will consider issues and questions for future examination of: Albania, Argentina, Australia, Fiji, Papua New Guinea, Russian Federation, Turkey, and possibly Central African Republic, Grenada, Seychelles. **Briefings on these states should be submitted before 13 July 2009.**

The Universal Periodic Review process

In May the **Human Rights Council** held its 5th session of the Universal Periodic Review. Corporal punishment and its legality was raised as an issue in the examination of Belize, Chad, Chile, Comoros, Malta, New Zealand, Slovakia, The Former Yugoslav Republic of Macedonia, Uruguay, Vanuatu and Yemen.

The 7th session is due to take place in February 2010. The deadlines for the submission of briefings are:

By 1 September 2009 for Angola, Egypt, Fiji, Gambia, Iran, Iraq, Madagascar, Qatar.

By 8 September 2009 for Bolivia, Bosnia and Herzegovina, El Salvador, Italy, Kazakhstan, Nicaragua, San Marino, Slovenia.

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6 CAN YOU HELP?

Many thanks to all those who have sent us information since the last newsletter!

If you can provide information relating to the legality of corporal punishment of children, research on prevalence and/or children's views and experiences, positive parenting resources, or initiatives and campaigns promoting prohibition, please email info@endcorporalpunishment.org. We are particularly

trying to find out if corporal punishment of children has been explicitly prohibited in the following settings/states:

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

Penal system (disciplinary measure in penal institutions) – Bahrain, Central African Republic, Equatorial Guinea, Eritrea, Gabon, Guinea, Libyan Arab Jamahiriya, Niue, Sao Tome & Principe, Syrian Arab Republic

Alternative care settings – El Salvador, Gabon, Guinea-Bissau, Kuwait, Libyan Arab Jamahiriya

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We hope you find this newsletter informative and useful and welcome your comments: please email info@endcorporalpunishment.org. We are sending the newsletter to supporters of the aims of the Global Initiative (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 info@endcorporalpunishment.org. If your organisation is not listed as supporting the aims of the Initiative, please consider signing up (email info@endcorporalpunishment.org).

To receive the latest developments between newsletters, please sign up to the RSS news feed at www.endcorporalpunishment.org.

“The evidence that corporal punishment is forbidden by Islam is clear and abiding for all of us. Let us stop arguing. We don’t have a choice, and we must apply Sharia, which fully protects children.”

Hademine Ould Saleck, President of the Imams’ and Religious Leaders’ Network for Child Rights,
Mauritania, May 2009