

Progress towards prohibiting all corporal punishment in East and Southern Africa



End Corporal Punishment

LAST UPDATED December 2022

Also available online at www.endcorporalpunishment.org

The following table summarises the legal status of corporal punishment of children – and progress towards achieving prohibition – in all settings in all states in East and Southern Africa. Governments are increasingly enacting laws to prohibit this form of violence against children. As at December 2022, five states have prohibited all corporal punishment of children, including in the home: governments of at least three others have expressed a commitment to enacting full prohibition. Six states have prohibited in all alternative care settings, five states in day care, 14 in all schools, eleven in penal institutions and 19 as a sentence for crime.

States with full prohibition in legislation

The following states have prohibited corporal punishment in all settings, including the home.

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Kenya	YES ¹	YES	YES	YES	YES	YES
Mauritius	YES ²	YES	YES	YES	YES	YES
Seychelles	YES ³	YES	YES	YES	YES	YES
South Africa	YES ⁴	YES	YES	YES	YES	YES
Zambia	YES ⁵	YES	YES	YES	YES	YES ⁶

States expressing commitment to law reform in UPR and other contexts

Governments in the following states have expressed a commitment to prohibition of all corporal punishment of children. In the majority of cases this has been through unequivocally accepting recommendations to prohibit made during the Universal Periodic Review (UPR) of the state concerned. Some states have formally confirmed a commitment to prohibition in a public context outside of the UPR. For more information on how End Corporal Punishment assesses states' commitment, visit <https://endcorporalpunishment.org/committed-states/>.

¹ Prohibited in Constitution 2010 but some legislation still to be formally repealed

² Prohibited in Children's Act 2020

³ Prohibited in 2020 amendments to Children Act 1982

⁴ 2019 Constitutional Court decision ruled the common law defence of "reasonable chastisement" to be unconstitutional

⁵ Prohibited in Children's Code Act 2022

⁶ Unlawful under 1999 Supreme Court ruling and confirmed by Children's Code Act 2022

<i>States committed to law reform ...</i>						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Mozambique ⁷	NO	NO	NO	NO ⁸	YES	YES
Namibia ⁹	NO	YES	SOME ¹⁰	YES	YES	YES
Somalia ¹¹	NO	SOME ¹²	SOME ¹³	[SOME] ¹⁴	SOME ¹⁵	SOME ¹⁶

States without a clear commitment to law reform

The following states are not currently committed to prohibiting all corporal punishment. Some have yet to make a clear commitment to law reform. Some have accepted UPR recommendations to prohibit but have also indicated that they consider existing legislation adequately protects children from corporal punishment, in conflict with information collected by End Corporal Punishment. Some have accepted some UPR recommendations to prohibit corporal punishment but rejected other similar recommendations. Others had previously committed but have since either backtracked on that commitment or have failed to take action on it.

<i>States without a clear commitment to law reform ...</i>						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Angola ¹⁷	NO	NO	NO	NO	NO	YES
Botswana	NO	NO	NO	NO	NO	NO
Burundi	NO	NO	NO	[YES]	NO	YES
Comoros ¹⁸	NO	NO	NO	YES	NO	[YES]
Eritrea	NO	NO	NO	NO ¹⁹	[NO]	YES
Eswatini	NO	NO	NO	NO	NO	YES
Ethiopia ²⁰	NO	SOME ²¹	SOME ²²	YES	YES	YES
Lesotho ²³	NO	NO	NO	[YES]	NO	YES
Madagascar	NO	NO	NO	[YES]	NO	YES
Malawi	NO	SOME ²⁴	SOME ²⁵	[YES] ²⁶	YES	YES

⁷ Government accepted UPR recommendation to prohibit in all settings (2016)

⁸ Government directive advises against corporal punishment but no prohibition in law

⁹ Government accepted UPR recommendations to prohibit in all settings (2016)

¹⁰ Prohibited in early childhood centres and in places of care; unlawful in all state-run childcare under 1991 Supreme Court ruling

¹¹ Somalia expressed its commitment to prohibiting corporal punishment in all settings while reporting to the UN Committee on the Rights of the Child, in May 2022

¹² Prohibited in Somaliland

¹³ Prohibited in Somaliland

¹⁴ Possibly prohibited in Somaliland

¹⁵ Prohibited in Somaliland

¹⁶ Prohibited in Somaliland

¹⁷ Had initially committed to prohibition in all settings by accepting UPR recommendation to do so in 2014, but no progress since

¹⁸ Had initially committed to prohibition by accepting UPR recommendations to prohibit in 2014 but noted similar recommendations in 2019

¹⁹ Policy states corporal punishment should not be used but no prohibition in law

²⁰ Government accepted UPR recommendation to abolish corporal punishment but rejected recommendation to criminalise it (2014)

²¹ Prohibited in institutions

²² Prohibited in institutions

²³ Government accepted UPR recommendation to abolish corporal punishment, stating it was being implemented (2010), but subsequent law reform prohibited only as sentence for crime

²⁴ Prohibited in state-run institutions

²⁵ Prohibited in state-run day care

²⁶ Prohibition in private schools unconfirmed

<i>States without a clear commitment to law reform ...</i>						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Rwanda ²⁷	NO	NO	NO	YES	YES	YES
Uganda ²⁸	NO	NO	NO	YES	YES	YES
UR Tanzania	NO	SOME ²⁹	NO	NO ³⁰	SOME ³¹	SOME ³²
Zimbabwe ³³	NO	NO	NO	NO	NO	YES ³⁴

Note

The above information is based wherever possible on examination of national legislation; additional information is gathered from many sources, including reports to and by the United Nations human rights treaty bodies. Information in square brackets is unconfirmed. We are very grateful to government officials, UNICEF and other UN agencies, NGOs and human rights institutions, and many individuals who have assisted us in our research. We welcome corrections and updates: email vohitos@who.int For further details on all states see the individual state reports at www.endcorporalpunishment.org.

²⁷ Had initially committed to prohibition by accepting UPR recommendation to prohibit in all settings and to repeal the “right of correction” (2011, 2015); but law reform since did not achieve prohibition

²⁸ Government had originally expressed commitment by tabling in 2015 a Bill which would have prohibited in all settings but Bill failed to progress through parliament; and no further progress since

²⁹ Prohibited in residential institutions in Zanzibar

³⁰ Directive prohibits corporal punishment in classrooms from pre-primary to third grade, in mainland Tanzania

³¹ Prohibited in approved schools and remand homes in Zanzibar

³² Prohibited in Zanzibar

³³ Had initially committed to prohibition by accepting UPR recommendation to prohibit in all settings (2011); but later noted similar UPR recommendations (2016)

³⁴ 2014 High Court ruling declaring judicial corporal punishment unconstitutional confirmed by 2019 Constitutional Court decision but some legislation still to be repealed