

Progress towards prohibiting all corporal punishment in East and Southern Africa



GLOBAL INITIATIVE TO
End All Corporal Punishment of Children

LAST UPDATED May 2019

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 April 2019, one state has prohibited all corporal punishment of children, including in the home: governments of at least 11 others have expressed a commitment to enacting full prohibition. Two states have prohibited corporal punishment in all alternative care settings and day care, 12 in all schools, 10 in penal institutions and 19 as a sentence for crime.

States with full prohibition in legislation

The following state has 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

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.

States committed to law reform ...						
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 ²	NO	NO	NO	NO	NO	YES
Comoros ³	NO	NO	NO	NO	NO	[YES]
Mauritius ⁴	NO	NO	[SOME] ⁵	YES	NO	YES

¹ Prohibited in Constitution 2010 but some legislation still to be formally repealed

² Government accepted UPR recommendation to prohibit all corporal punishment (2014)

³ Government accepted UPR recommendations to prohibit in all settings (2014); draft legislation which would prohibit possibly under discussion (2014)

⁴ Bill which would prohibit under discussion (2015); Government accepted UPR recommendation to prohibit in all settings (2019)

⁵ Possibly unlawful in preschool provision

States committed to law reform ...						
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 ⁶	NO	NO	NO	NO ⁷	YES	YES
Namibia ⁸	NO	SOME ⁹	SOME ¹⁰	YES	YES ¹¹	YES ¹²
Rwanda ¹³	NO	NO	NO	YES	YES	YES
Seychelles ¹⁴	NO	NO	SOME ¹⁵	[YES] ¹⁶	NO	YES
South Africa ¹⁷	NO ¹⁸	YES	YES	YES	YES	YES
Uganda ¹⁹	NO	NO	NO	YES	YES	YES
Zambia ²⁰	NO	NO	SOME ²¹	YES	YES	YES ²²
Zimbabwe ²³	NO	NO	NO	NO	NO	YES ²⁴

States without a clear commitment to law reform

The following states have yet to make a clear commitment to prohibiting all corporal punishment. Some of these states 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 the Global Initiative. Some states have accepted some UPR recommendations to prohibit corporal punishment but rejected other similar recommendations.

States without a clear commitment to law reform ...						
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
Botswana	NO	NO	NO	NO	NO	NO

⁶ Government accepted UPR recommendation to prohibit in all settings (2016)

⁷ Government directive advises against corporal punishment but no prohibition in law

⁸ Government accepted UPR recommendations to prohibit in all settings (2016)

⁹ Unlawful in state-run childcare under 1991 Supreme Court ruling but some legislation still to be repealed; prohibited in Child Care and Protection Act 2014, not yet in force

¹⁰ Unlawful in state-run childcare under 1991 Supreme Court ruling but some legislation still to be repealed; prohibited in Child Care and Protection Act 2014, not yet in force

¹¹ Unlawful under 1991 Supreme Court ruling but some legislation still to be repealed; prohibited in Child Care and Protection Act 2014, not yet in force

¹² Unlawful under 1991 Supreme Court ruling but some legislation still to be repealed

¹³ Government accepted UPR recommendation to prohibit in all settings and to repeal the "right of correction" (2011, 2015)

¹⁴ Government accepted UPR recommendations to prohibit in all settings (2016)

¹⁵ Prohibited in preschool education

¹⁶ But some legislation still to be formally repealed

¹⁷ Government accepted UPR recommendation to prohibit in the home (2012); bill which would prohibit under discussion (2016)

¹⁸ 2017 High Court decision ruled the common law defence of "reasonable chastisement" to be unconstitutional but prohibition in law must still be enacted

¹⁹ Government Bill which would prohibit in all settings tabled in 2015 but failed to progress through parliament

²⁰ Government accepted UPR recommendation to prohibit in all settings (2012)

²¹ Prohibited in preschool provision

²² Unlawful under 1999 Supreme Court ruling but some legislation still to be repealed

²³ Government accepted UPR recommendation to prohibit in all settings (2011)

²⁴ 2014 High Court ruling declaring judicial corporal punishment unconstitutional confirmed by 2019 Constitutional Court decision but some legislation still to be repealed

States without a clear commitment to law reform ...						
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
Burundi	NO	NO	NO	[YES]	NO	YES
Eritrea	NO	NO	NO	NO ²⁵	[NO]	YES
Eswatini	NO	NO	NO	NO	NO	YES
Ethiopia ²⁶	NO	SOME ²⁷	SOME ²⁸	YES	YES	YES
Lesotho ²⁹	NO	NO	NO	NO	YES	YES
Madagascar	NO	NO	NO	[YES]	NO	YES
Malawi	NO	SOME ³⁰	SOME ³¹	[YES] ³²	YES	YES
Somalia	NO	SOME ³³	SOME ³⁴	[SOME] ³⁵	SOME ³⁶	SOME ³⁷
UR Tanzania	NO	SOME ³⁸	NO	NO	SOME ³⁹	SOME ⁴⁰

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 info@endcorporalpunishment.org. For further details on all states see the individual state reports at www.endcorporalpunishment.org.

²⁵ Policy states corporal punishment should not be used but no prohibition in law

²⁶ Government accepted UPR recommendation to abolish corporal punishment but rejected recommendation to criminalise it (2014)

²⁷ Prohibited in institutions

²⁸ Prohibited in institutions

²⁹ Government accepted UPR recommendation to abolish corporal punishment, stating it was being implemented (2010), but subsequent law reform prohibited only as sentence for crime

³⁰ Prohibited in state-run institutions

³¹ Prohibited in state-run day care

³² Prohibition in private schools unconfirmed

³³ Prohibited in Somaliland

³⁴ Prohibited in Somaliland

³⁵ Possibly prohibited in Somaliland

³⁶ Prohibited in Somaliland

³⁷ Prohibited in Somaliland

³⁸ Prohibited in residential institutions in Zanzibar

³⁹ Prohibited in approved schools and remand homes in Zanzibar

⁴⁰ Prohibited in Zanzibar