

# Progress towards prohibiting all corporal punishment in East and Southern Africa



GLOBAL INITIATIVE TO  
**End All Corporal  
Punishment of Children**

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Also available online at [www.endcorporalpunishment.org](http://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 January 2018, 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 18 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 <sup>1</sup>	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.

<b>States committed to law reform ...</b>						
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 <sup>2</sup>	NO	NO	NO	NO	NO	YES
Comoros <sup>3</sup>	NO	NO	NO	NO	NO	[YES]
Mauritius <sup>4</sup>	NO	NO	[SOME] <sup>5</sup>	YES	NO	YES
Mozambique <sup>6</sup>	NO	NO	NO	NO <sup>7</sup>	YES	YES

<sup>1</sup> Prohibited in Constitution 2010 but some legislation still to be formally repealed

<sup>2</sup> Government accepted UPR recommendation to prohibit all corporal punishment (2014)

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

<sup>4</sup> Bill which would prohibit under discussion (2015)

<sup>5</sup> Possibly unlawful in preschool provision

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

## 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.

<b>States without a clear commitment to law reform ...</b>						
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
Burundi	NO	NO	NO	[YES]	NO	YES

<sup>6</sup> Government accepted UPR recommendation to prohibit in all settings (2016)

<sup>7</sup> Government directive advises against corporal punishment but no prohibition in law

<sup>8</sup> Government accepted UPR recommendations to prohibit in all settings (2016)

<sup>9</sup> 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

<sup>10</sup> 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

<sup>11</sup> 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

<sup>12</sup> Unlawful under 1991 Supreme Court ruling but some legislation still to be repealed

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

<sup>14</sup> Government accepted UPR recommendations to prohibit in all settings (2016)

<sup>15</sup> Prohibited in preschool education

<sup>16</sup> But some legislation still to be formally repealed

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

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

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

<sup>20</sup> Government accepted UPR recommendation to prohibit in all settings (2012)

<sup>21</sup> Prohibited in preschool provision

<sup>22</sup> Unlawful under 1999 Supreme Court ruling but some legislation still to be repealed

<sup>23</sup> Government accepted UPR recommendation to prohibit in all settings (2011)

<sup>24</sup> 2014 High Court ruling declaring judicial corporal punishment unconstitutional not yet confirmed by Constitutional Court

<b>States without a clear commitment to law reform ...</b>						
<b>State</b>	<b>Prohibited in the home</b>	<b>Prohibited in alternative care settings</b>	<b>Prohibited in day care</b>	<b>Prohibited in schools</b>	<b>Prohibited in penal institutions</b>	<b>Prohibited as sentence for crime</b>
Eritrea	NO	NO	NO	NO <sup>25</sup>	[NO]	YES
Ethiopia <sup>26</sup>	NO	SOME <sup>27</sup>	SOME <sup>28</sup>	YES	YES	YES
Lesotho <sup>29</sup>	NO	NO	NO	NO	YES	YES
Madagascar	NO	NO	NO	[YES]	NO	YES
Malawi	NO	SOME <sup>30</sup>	SOME <sup>31</sup>	[YES] <sup>32</sup>	YES	YES
Somalia	NO	SOME <sup>33</sup>	SOME <sup>34</sup>	[SOME] <sup>35</sup>	SOME <sup>36</sup>	SOME <sup>37</sup>
Swaziland	NO	NO	NO	NO	NO	YES
UR Tanzania	NO	SOME <sup>38</sup>	NO	NO	SOME <sup>39</sup>	SOME <sup>40</sup>

### 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](mailto:info@endcorporalpunishment.org). For further details on all states see the individual state reports at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org).

<sup>25</sup> Policy states corporal punishment should not be used but no prohibition in law

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

<sup>27</sup> Prohibited in institutions

<sup>28</sup> Prohibited in institutions

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

<sup>30</sup> Prohibited in state-run institutions

<sup>31</sup> Prohibited in state-run day care

<sup>32</sup> Prohibition in private schools unconfirmed

<sup>33</sup> Prohibited in Somaliland

<sup>34</sup> Prohibited in Somaliland

<sup>35</sup> Possibly prohibited in Somaliland

<sup>36</sup> Prohibited in Somaliland

<sup>37</sup> Prohibited in Somaliland

<sup>38</sup> Prohibited in residential institutions in Zanzibar

<sup>39</sup> Prohibited in approved schools and remand homes in Zanzibar

<sup>40</sup> Prohibited in Zanzibar