



Global Initiative to
End All Corporal Punishment
of Children

Ending Corporal Punishment of Children: Africa E-Newsletter

FRENCH VERSION ALSO AVAILABLE

Issue 10: January 2013

In this issue

We wish all our readers a Happy New Year. We hope that during 2013 African states will strengthen implementation of their laws prohibiting corporal punishment and more of them will ensure that prohibition is enacted in relation to all settings, including the home. We look forward to working with supporters and activists across the continent to prohibit and eliminate corporal punishment of children in all settings. Read on for further details of ongoing activities plus news of the Global Initiative's new Global Report following up the UN Secretary General's Study on Violence against 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). 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.

Through this newsletter we aim to keep civil society organisations and other stakeholders informed and encourage networking around the issue of corporal punishment of children. We encourage readers to forward the newsletter to whoever might be interested and we encourage organisations **to sign up in support of prohibition of all corporal punishment** at: www.endcorporalpunishment.org.

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2 Recent developments in Africa

Benin: The current version of the draft Children's Code of Benin under discussion prohibits corporal punishment of children in all settings. Article 52 stipulates (unofficial translation): "The State shall ensure that, in the family, schools, public and private institutions, discipline is free of corporal punishment or any other form of cruel or degrading treatment." Article 115 states that "corporal punishment or any other violence on 'Children in Care' or 'Vidomegons' is prohibited."

Egypt: According to news reports (e.g. *Al-Shorfa.com*, 20 November 2012) Dar al-Iftaa al-Masriya issued a fatwa last week prohibiting corporal punishment at schools, saying the phenomenon conflicts with the teachings of Islam and damages the educational process. The fatwa reportedly states: "According to sharia, abuse of all forms is banned. The Prophet, peace be upon him, is our first teacher and he was never known to have hit a child. . . . The truth is, school beatings these days have been stripped of any educational value and have instead become a way for excessive corporal punishment and sometimes used for revenge and this, without doubt, is forbidden." The move followed several reports of children being subjected to violence at school, including hitting, flogging and head shaving.

Swaziland: The Children's Protection and Welfare Act 2012 prohibits corporal punishment as a sentence of the courts. The Act has now been published in the Gazette and will come into force at a time set by the responsible minister.

Uganda: The Draft Children Act (Amendment) Bill – which prohibits corporal punishment of children – has now been submitted to the Legislative Council, Ministry of Justice and Constitutional Affairs for technical review. It is anticipated that it will be tabled in Parliament this year.

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3 Campaigns and other moves towards prohibition

Ghana: The Ghana National Education Campaign Coalition (GNECC) has been running the Stop Violence against Girls in Schools project, which aims to ensure that girls are able to enjoy their rights to education and participation in a violence-free environment, since 2008. In 2013, in collaboration with ActionAid-Ghana and partners, GNECC is developing a Positive Discipline Pack, which aims to eliminate corporal punishment in schools. For more information, please contact awo.gnecc@gmail.com.

Liberia: On 9 December 2012, the Liberian Council of Churches (LCC) held a one-day special ecumenical intercessory prayer service in honor of children in Liberia. The event was held under the theme: "Train a child in a way that he should grow as enshrined in the book of Proverbs 22:6 of the Bible". The event included participants from traditional and visiting congregations, children groups, orphanages and homes for the disabled, UNICEF and the Inter-Religious Council of Liberia. In his address, LCC representative James Gayflor called for an end to legalised violence against children,

prohibition and elimination of corporal punishment in all alternative care and day care settings, and an end to the violation of children's rights by harmful practices based on traditions, culture, religion or superstitions. (*The Analyst*, 10 December 2012).

Rwanda: In December 2012, the [National Commission for Children](#) (NCC) carried out 16 days of awareness campaigns against violence against children. NCC Executive Secretary Zaina Nyiramatama noted that corporal punishment, including severe beatings, was amongst cases of violence against children reported to the Police One Stop Centres in Kigali. Zaina Nyiramatama added that the NCC plans to deploy community based childcare volunteers and a psycho-social team across the country to help in the fight against child violence. Plans are also underway to start children's forums in all schools to enable them to disclose and discuss issues affecting them, including child abuse. (*The New Times*, 4 December 2012)

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4 Human rights monitoring

The **African Committee of Experts on the Rights and Welfare of the Child** elected its new Chairperson during its November 2012 session. **Mr Benyam Dawit Mezmur** formerly second vice-president of the Committee has now been elected Chairperson in replacement of Mme Agnes Kabore.

During their session on 18 December, states met in New York to elect nine members to serve on the **United Nations Committee on the Rights of the Child**. Representing Africa, **Mr Benyam Dawit Mezmur** was elected Committee member for a term of four years.

Note: Mr Benyam Dawit Mezmur has been a strong supporter of the Global Initiative's aim to end corporal punishment of children in all settings. He actively participated in the strategic consultation on ending corporal punishment across Africa, which was held in Ouagadougou, Burkina Faso in February/March 2011 (see issue 4).

Key decisions and recommendations, etc

The **Human Rights Committee** held its 106th session 15 Oct – 2 Nov 2012. Corporal punishment was included in the List of Issues for Côte d'Ivoire: the examination of Côte d'Ivoire was postponed.

The **Committee Against Torture** published its concluding observations on states examined at its 49th session in October/November 2012, including the following recommendations to Gabon and Senegal:

Gabon: "While taking note of the information provided by the State party's delegation which indicates that children are safeguarded by the Minors Protection Code, by the law on domestic, school-related and institutional violence and by the awareness campaigns conducted in Libreville, Owendo, Makokou and Oyem on the worst forms of corporal punishment inflicted upon schoolchildren, the Committee is concerned by reports indicating that corporal punishment continues to be practised in homes and schools. (art. 16). The State party should take steps to ensure the effective enforcement of its legislation in order to make certain that corporal punishment is not practised under any circumstances. It should also step up its campaigns aimed at raising public awareness about the harmful effects of corporal punishment and about the fact that it is prohibited." (See the Global Initiative report on [Gabon](#))

Senegal: "The Committee remains concerned ... about the reported persistence of corporal punishment in Senegal (arts. 11 and 16). The State party should: ... (c) Amend the Family Code, particularly article 285, to explicitly ban corporal punishment anywhere at all, including in the home, and punish offenders in

accordance with the law, while offering legal protection and psychological help to child victims.” (See the Global Initiative report on [Senegal](#))

The **Committee on Economic, Social and Cultural Rights** held its 49th session 12-20 Nov 2012. The Committee’s concluding observations on Tanzania’s initial-third report included the following observation and recommendation: “The Committee is concerned that corporal punishment of children is lawful as a sentence of the courts, as well as a form of discipline in schools, alternative-care institutions, and in the home. (art.10) The Committee urges the State party to take legislative and other measures to prohibit and prevent corporal punishment of children in all settings, in particular as a sentence of the courts, as well as in schools, alternative-care institutions and in the home.” (See the Global Initiative report on [Tanzania](#))

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. We are particularly trying to identify “key” NGOs and human rights institutions in each state with whom we can work more closely in briefing the treaty bodies: if you/your organisation is interested please contact vohito@endcorporalpunishment.org.

Opportunities for briefing treaty bodies arise in relation to the Lists of Issues adopted for each state in advance of examination as well as in submitting information immediately prior to the examination of states by the Committees. The deadlines for submitting briefings relevant to upcoming sessions are set out below. The Global Initiative is always willing to advise NGOs and human rights institutions on the practical details of how to submit briefings (email vohito@endcorporalpunishment.org).

African Commission on Human and People’s Rights

The 53rd ordinary session will take place on 9- 23rd April 2013 in the Gambia. The list of States to be examined is not yet available. For more information, please check the [Commission’s website](#).

African Committee of Experts on the Rights and Welfare of the Child

The 21st session will take place in March 2013 in Addis Ababa. The list of States to be examined is not yet available.

Committee on the Rights of the Child

Information on future session is not presently available; it will be posted at www2.ohchr.org/english/bodies/crc/sessions.htm.

Committee Against Torture

Session 50 (6-31 May 2013). States to be examined include Kenya and Mauritania. Opportunities for influencing the Lists of Issues have passed. **Briefings for the examination should be submitted by 19 April 2013.**

Committee on Economic, Social and Cultural Rights

(1) Session 50 (29 April to 17 May 2013). States to be examined include Rwanda and Togo. Lists of Issues have already been adopted. **Briefings for the examination should be submitted by 15 March 2013.**

(2) Session 51 Pre-sessional Working Group (20-24 May 2013). Lists of Issues will be adopted for Djibouti, Egypt and Gabon. **Briefings should be submitted by 1 April 2013.**

Committee on the Elimination of Discrimination against Women

(1) Session 55 (July 2013, dates to be confirmed). States to be examined include Cape Verde and DR Congo. **The deadline for briefings is still to be confirmed (usually two weeks before the start of the session).**

(2) Session 55 Pre-session Working Group (July 2013, dates to be confirmed). Lists of Issues will be adopted for Cameroon, Senegal and Sierra Leone. **The deadline for briefings is still to be confirmed (usually one month before the session starts).**

Human Rights Committee

(1) Session 107 (11-28 March 2013). States to be examined include Angola. Opportunities for influencing the Lists of Issues have passed. **The deadline for submitting briefings for the examination is still to be announced.**

(2) Session 107 Country Report Task Forces will meet during the session. Lists of Issues will be adopted for Djibouti, Mauritania and Mozambique, Tajikistan and the US. Opportunities for influencing the Lists of Issues have passed.

Committee on the Rights of Persons with Disabilities:

Session 9 (15-19 April 2013). No African states among those being considered.

The Universal Periodic Review

The obligation to prohibit and eliminate corporal punishment of children continues to be raised with states in the Universal Periodic Review of their overall human rights records. The Global Initiative submits briefings on every state being reviewed, sharing advance draft briefings with relevant organisations to encourage submissions at national level. We also conduct a follow up programme, pursuing the issue with states that accept recommendations to prohibit corporal punishment by writing to key NGOs, NHRIs and Government ministers, and undertake ongoing analysis of coverage of the issue in all aspects of the UPR process (for further information email info@endcorporalpunishment.org).

The second cycle of the UPR is now well under way: session 14 took place in October/November. Recommendations to explicitly prohibit corporal punishment in settings were made to Benin, Ghana and Zambia: the recommendations were accepted by all three states. Recommendations to Gabon were concerned with awareness raising on corporal punishment in schools and developing a national strategy to fight the worst forms of corporal punishment: Gabon accepted these recommendations.

At the time of writing this newsletter, session 15 is in progress, including the reviews of Botswana, Burundi and Mali for which the draft reports are now available. Botswana received a number of recommendations to prohibit corporal punishment of children in all settings, including the home: the Government rejected the recommendations. Mali received – and accepted – a recommendation to bring its national legislation in conformity with international human rights conventions: **we hope child rights advocates will use this as an opportunity to press for law reform to prohibit all corporal punishment.** Burundi received recommendations concerning the protection of child rights generally: the Government's response is due by June 2013.

In the context of the 15th session, the Permanent Missions of Finland, Tunisia and Uruguay hosted a panel discussion on "Ending corporal punishment of children". The side event, which attracted around 100 attendees, reviewed global progress towards prohibition, considered the challenges involved and debated how to achieve universal prohibition to fulfil children's rights to respect for their human dignity and physical integrity. Brief presentations by an expert panel were followed by interactive discussion on the issue.

Opportunities for submitting briefings for the 16th session of the UPR, to be held April/May 2013, have now passed. The deadlines for briefing the 17th session (October/November) are:

4 March 2013 – Mauritius, Nigeria and Senegal

11 March 2013 – Central African Republic, Chad and Republic of Congo

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5 Resources: Research/Reports/Publications

Ending legalised violence against children: Global Report 2012 – Following up the UN Secretary General's Study on Violence against Children

The seventh report following up the UN Study on Violence against Children reviews the progress and delays in prohibiting corporal punishment of children throughout the world, with examples of regional and national developments. It shows how prohibiting corporal punishment is not only a child rights issue but is closely linked with the rights of women, the rights of persons with disabilities, and the right to health. It lists the 5 African states, which have achieved prohibition in all settings, the 8 which have not fully prohibited corporal punishment in any setting, the 8 which have rejected recommendations on corporal punishment made during the UPR, and the 26 African states with immediate opportunities to enact prohibition.

International and regional reports

An Africa fit for Children: Progress and Challenges, AfricaWide Movement, Kampala, (AMC), 2012

Published by the AfricaWide Movement for children (AMC), an advocacy platform for child focused civil society organisations working in Africa, the report highlights the progress that African governments working closely with international and civil society partners have made in the eight key priority areas which have the potential to transform the child rights landscape in Africa, including the protection of children from abuse, violence, neglect and exploitation. In this context, national examples of the legality of corporal punishment of children are provided (e.g. Cameroon, Nigeria, Zambia). The report also depicts commendable progress in key areas such as law reform. The report can be downloaded at:

<http://www.africanchildforum.org/site/>

Harmonisation of Children's Laws in West and Central Africa, Addis Ababa: The African Child Policy Forum (ACPF), 2012

Harmonisation of Children's Laws in Eastern and Southern Africa: Country briefs, Addis Ababa: The African Child Policy Forum (ACPF) 2012

These latest ACPF publications seek to audit and review the level of alignment of national laws with international and regional standards. Both reports are a compilation of country briefs, updating previous research on harmonisation undertaken in 11 countries in West and Central Africa and 14 countries in Eastern and Southern Africa. The legality of corporal punishment of children is analysed for each of the countries reviewed. The reports find that there have been some key positive developments in the domestication of children's rights in Africa even though most countries face significant implementation challenges. Both reports can be downloaded at: <http://www.africanchildforum.org/site/>

National resources

Namibia: A situation analysis done by the National Planning Commission found that bullying and corporal punishment are very common in Namibian schools, and that girls in school hostels are vulnerable to rape and sexual harassment. More than 22.6% of pupils interviewed said they had been verbally teased, insulted and intimidated at school. More than 18% said they had been hit, kicked or punched at school, and 17.3% said they had been threatened with harm at school. (*The Namibian*, 21 December 2012)

Cameroon: F. Tekam (2013), “La traite des enfants est un crime international qui prend racine aussi au Cameroun”, *Afrique, Droits De L’homme, Opinion*, 2nd January 2013 (in French only). (Unofficial translation: “Child trafficking is an international crime also rooted in Cameroon”). In Cameroon, most cases of violence against children include corporal punishment in the home and in schools, sexual abuse, forced labour, other harmful traditional practices and child trafficking. Such practices exist despite prohibitive law (e.g. article 35 of the Law of Cameroon National Educational Guidelines No. 98/004 (1998). The Cameroonian Government, CSOs and NGOs are raising awareness and thriving to put an end to this plea, which span at national and international levels. This opinion piece recommends better implementation of existing laws, law reform, and increased sensitization for eradicating such harmful traditional practices which include child trafficking and corporal punishment.

Kenya: In a national survey carried out in 2010, nearly half of the 13-17 year olds involved (48.7% of girls and 47.6% of boys) reported having been slapped, pushed, punched, kicked, whipped, beaten or threatened or attacked with a weapon in the past year. Two thirds (66%) of females and 73% of males aged 18-24 reported experiencing this before they were 18. Perpetrators included authority figures, parents and adult relatives. The survey involved 1,306 females and 1,622 males aged 13-24. (UNICEF Kenya Country Office et al (2012), *Violence against Children in Kenya: Findings from a 2010 National Survey*, Nairobi: UNICEF Kenya Country Office, Division of Violence Prevention, National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention & Kenya National Bureau of Statistics)

Morocco: A 2012 study by Human Rights Watch documented beatings and insults against child domestic workers by their employers. Virtually all child domestic workers in Morocco are girls; the 20 girls interviewed for the report had begun work aged 8-15. (Human Rights Watch (2012), *Lonely Servitude: Child Domestic Labor in Morocco*, NY: Human Rights Watch)

New website

A new website and Facebook page: ending corporal punishment in East and Central Africa

In March 2012, in collaboration with the Global Initiative to End All Corporal Punishment of Children, Save the Children Sweden and Save the Children UK held a week long capacity building workshop for nine East and Central countries on legal reform and elimination of corporal punishment (see issue 7). The workshop resulted in national plans of action for all countries in attendance to achieve a total ban on corporal punishment and led to the development of a regional reference group to foster collaborative learning and sharing across the region. To assist with this, Save the Children is supporting the regional reference group through a [central website](#) and [Facebook page](#) for countries to continue with the momentum.

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6 Media watch

Algeria: The head of the education department of the Mascara region sent a strong note to school principals reminding them of a circular from the National Education Ministry which advises schools against the use of corporal and psychological punishment of children. He noted that several legal actions are already pending on this issue, and that corporal punishment should be avoided. (*Ouest Info*, 12 November 2012). Note: Corporal punishment is prohibited in schools in article 21 of the Algerian Education Act (2008)

Ghana: During a forum for teachers, parents, community heads and pupils in Ho Municipality, Sylvester Kyei-Gyamfi, Head of Research and Advocacy Division of the Department of Children noted that corporal punishment is prevalent in schools and homes in Ghana despite legal and administrative measures to discourage such practice. The Volta Regional Director of the Department of Children Edwin Gamadeku stated that such violent methods are against the laws and must be stopped. (*GNA*, 9 November 2012). Note: Corporal punishment is lawful in the home. Article 13(1) of the Ghanaian Children's Act (1998) allows for a degree of "reasonable" and "justifiable" punishment of children. Corporal punishment is also lawful in schools: ministerial directives advise against the use of corporal punishment but this has not been confirmed in legislation.

Nigeria: Parents in Lagos State called for the abolition of corporal punishment in schools across the country, calling it an outdated and unacceptable practice. The call came after the death of a 12 year old student in Anambra State after she was allegedly flogged by her teacher for failing to do her homework. (*Naija Things*, 5 November 2012)

South Africa: During an address to the Mpumalanga Provincial Legislature on 27 November 2012, James Masango Provincial Chief Whip of the Official Opposition, called on the Member of Executive Council to launch a campaign in order to educate teachers on the prohibition of corporal punishment in the South African Schools Act, as well as on the need for applying non-violent and effective methods of discipline. His call followed the dismissal and prosecution of a teacher who beat a seven-year-old student to death in Tonga. (*MPL Assistance Network*, 27 November 2012)

Uganda: A 12 year old pupil at a Kampala school and his family are challenging the school authorities after the student lost a tooth when a teacher subjected him to corporal punishment. The family has reported the matter to police who reportedly advised them to negotiate with the school authorities since the court process could take a long time. (*The Monitor*, 19 November 2012)

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7 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 elinor@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.

And ...

Other ways to contribute to the work of the Global Initiative include:

- sending us information on laws prohibiting or authorising corporal punishment
- letting us know about opportunities for promoting law reform (e.g. if draft legislation is being considered) and when new laws are passed which prohibit corporal punishment
- providing contact details for organisations actively working to promote the prohibition and elimination of corporal punishment of children.

If you can help with any of the above, please email vohito@endcorporalpunishment.org.

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

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