



Global Initiative to
End All Corporal Punishment
of Children

Ending Corporal Punishment of Children: Africa E-Newsletter

FRENCH VERSION ALSO AVAILABLE

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In this issue

This issue features a number of national resources, which establish the prevalence of corporal punishment of children in different parts of Africa. As we know, research can play an important role in campaigning for, and implementing laws, which prohibit corporal punishment of children. Read on for further details on latest research findings in Africa and other ongoing activities to end corporal punishment of children in all settings.

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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 to the aims of the Global Initiative** at: www.endcorporalpunishment.org.

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2 Recent developments in Africa

Positive moves

Zimbabwe: The new Constitution was approved after a constitutional referendum was held in March 2013. Although the Constitution does not explicitly prohibit corporal punishment of children in all settings, the provision which explicitly allows corporal punishment of children by parents and as a sentence of the courts is not reiterated in the new Constitution. The Constitution will come into force following presidential promulgation.

But ...

Gambia: During a meeting with the officials of the West African Examination Council (WAEC) in March 2013, Gambia's President Yahya Jammeh said that the prohibition of corporal punishment in the Gambia has brought gross indiscipline in schools and at the family level. (*Askani Senegambia*, 26 March 2013) (Note: The Gambian Education Regulations prohibit "all degrading and injurious punishments" but at the same time provide for corporal punishment to be administered by or in the presence of the head, to female pupils only in exceptional circumstances and by a female teacher, and logged in a designated book (art. 15).)

Namibia: During a four-day education conference in Keetmanshoop under the theme "Back to Basics. Stand Together, Work Together", delegates, including retired civil servants, teachers, traditional leaders and business and students, called for the "re-introduction of corporal punishment in a controlled manner", as they felt that corporal punishment instills a sense of discipline. (*New Era*, 25 April 2013). (Note: Corporal punishment is unlawful in schools. A Supreme Court judgment in 1991 ruled that the guarantee of human dignity in article 8 of the Constitution precludes the use of corporal punishment in schools. The Namibian Code of Conduct for Teaching Service states that a teacher "may not administer corporal punishment or any other degrading punishment upon a learner".)

UR Tanzania: In April 2013, during the launch of an education website for secondary school students in Dar es Salaam, Deputy Minister for Educational and Vocational Training, Mr Philipo Mulugo stated that corporal punishment will continue to be instituted in public schools to ensure discipline among pupils and students. (*Daily News*, 9 April 2013) (Note: Corporal punishment is lawful in schools in

mainland Tanzania under the National Corporal Punishment Regulations 1979 pursuant to article 60 of the National Education Act 1978, which authorises the minister to make regulations “to provide for and control the administration of corporal punishment in schools”.)

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3 Campaigns and other moves towards prohibition

National campaigns and calls for prohibition

Côte d’Ivoire: [Droits des Enfants en Côte d’Ivoire](#) (DECI) is a child rights non-governmental organisation, which campaigns against corporal punishment in schools. “[Sababou](#)”, a documentary film featuring DECI’s Chairperson Rosine Bengali, was released in March 2013. It shows Rosine Bengali campaigning for the implementation of the Ivorian Ministerial Order against corporal punishment in schools. (Note: In 2009, the Ivorian Minister of Education signed a Ministerial Order stating that corporal punishment should not be used by teachers in public or private schools, but there is no prohibition in law.)

DR Congo: The [Congolese Association for Access to Justice](#) (CAAJ) is a non-governmental organisation and a lawyers’ group, which aims to protect fundamental human rights through national and international justice. ACAJ provides legal assistance to women and children victims of human rights abuse including cases of ill-treatment, torture and sexual abuse. In 2012, CAAJ provided legal assistance to 4 cases of corporal punishment of children in the city of Lubumbashi. For more information, please contact: acajasbl@acaj-rdc.org or gkapiamba@yahoo.fr (Note: Corporal punishment of children is lawful in the home, in penal institutions and in alternative care settings. However it is prohibited in schools under Ministerial decision No. MINEPSP/CABMIN/00100940/90 of 1 September 1990.)

South Africa: The South African Government expressed its concern about incidents of corporal punishment at some schools, as reported by the national media. In a statement, the Government Communication and Information System (GCIS) Acting Chief Executive Officer, Phumla Williams stated that “whilst Government acknowledges the need to discipline children in order to encourage positive and responsible behaviour, such discipline must be done in a constructive manner and within the confines of the law. Teachers are encouraged to find ways to instill self-discipline amongst learners without resorting to physical, emotional or psychological punishment. The aim is to grow children to become responsible citizens through long-term corrective methods rather than through short-term punitive methods such as corporal punishment.” (*Government Communication and Information System, Republic of South Africa*, 8 April 2013) (Note: Corporal punishment is unlawful in schools and other education institutions under the South African Schools Act (1996, article 10) the National Education Policy Act (1996, article 3) and the Further Education and Training Colleges Act (2006, article 16).)

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4 Human rights monitoring

Key decisions and recommendations, etc

In its recently released recommendations to the Government of Cameroon following the examination of the state party’s initial report in November/December 2011 (18th session), the **African Committee of Experts on the Rights and Welfare of the Child** recommended implementation of the prohibition of

corporal punishment in schools and sensitisation of teachers on alternative measures such as rewards, in order to instil discipline. It also recommended that sanctions are taken against teachers who continue to use corporal punishment.

The African Committee of Experts on the Rights and Welfare of the Child held its 20th session in Addis Ababa, Ethiopia, in November 2012. The report of the session notes that the Committee raised the issue of corporal punishment in its examination of Sudan; the Committee's recommendations are to be sent to the Government of Sudan.

The **Committee on the Rights of the Child** held its 62nd session 14 Jan – 1 Feb 2013 and in its concluding observations made strong recommendations on prohibiting and eliminating corporal punishment to all states. To Guinea, the Committee noted that the Children's Code prohibits "all forms of physical and psychological violence" but expressed concern that it does not prohibit corporal punishment in all settings and that corporal punishment continues to be inflicted on children. The Committee recommended explicit prohibition of corporal punishment, proper implementation of laws in relation to schools, sustainable public education and awareness raising on the issue, and the involvement of children and others in preventive strategies against corporal punishment. For further details, see the Global Initiative's country report for [Guinea](#).

The Committee on the Rights of the Child has adopted a new [General Comment No. 15 on "The right of the child to the enjoyment of the highest attainable standard of health \(art. 24\)"](#). On recognition of the negative impact of corporal punishment on children's health, it confirms states' obligation to prohibit and eliminate it (para. 68): "In the light of the impact of corporal punishment on children's health, including fatal and non-fatal injury and the psychological and emotional consequences, the Committee reminds States of their obligation to take all appropriate legislative, administrative, social and educational measures to eliminate corporal punishment and other cruel or degrading forms of punishment in all settings, including the home."

A report by the International NGO Council on Violence Against Children – "[Violating children's rights: harmful practices based on tradition, culture, religion or superstition](#)" – was launched on 7 March 2013 at a side event in the context of the annual day of discussion on the rights of the child in Geneva, as a contribution to the Human Rights Council's annual discussion on the child's right to health. The report confirms corporal punishment as a widespread harmful practice, in some cases supported by religious beliefs, imposed on children in all settings of their lives; it recalls the significant attention paid to corporal punishment in the UN Study on Violence against Children and the obligation on states to prohibit and eliminate it. The accompanying panel discussion, organised by the Special Representative on Violence Against Children and Plan International, involved Special Representative Marta Santos Pais, Patricia Schulz (CEDAW Committee), Stuart Halford (Centre for Reproductive Rights and Sexual Rights Initiative), Peter Newell (International NGO Council on Violence Against Children) and Selina Amin (Plan Bangladesh).

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.

The following deadlines for briefing the treaty bodies are based on information available at the time of writing: please note that information is subject to change at short notice. We are always willing to advise

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

Committee on the Rights of the Child:

Session 64 (16 Sept – 4 Oct 2013). The Committee will examine Sao Tome and Principe: **the deadline for submitting briefings is not yet published.**

Committee Against Torture:

Session 51 (28 Oct – 22 Nov 2013). The Committee will examine Burkina Faso and Mozambique: **the deadline for submitting briefings is 11 October 2013.**

Committee on Economic, Social and Cultural Rights:

Session 51 (4 – 29 November 2013). The Committee will examine Djibouti, Egypt and Gabon: **the deadline for submitting briefings is not yet published.**

Committee on the Elimination of Discrimination against Women:

Session 55 (8 – 26 July 2013). The Committee will examine Cape Verde and DR Congo: **the deadline for submitting briefings is 24 June 2013.**

Session 55 Pre-sessional Working Group (29 Jul – 2 Aug 2013). The PSWG will adopt Lists of Issues for Cameroon, Senegal and Sierra Leone: **the deadline for submitting briefings is 24 June 2013.**

Human Rights Committee:

Session 108 (8 – 26 July 2013). Country Report Task Forces will adopt Lists of Issues for Chad, Malawi and Sierra Leone: **the deadline for submitting briefings by email has passed; hard copies must be submitted by 14 June 2013.**

Committee on the Rights of Persons with Disabilities:

Information on future sessions not yet available.

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. Corporal punishment was raised with all 14 states due for review in the 15th session of the Universal Periodic Review, held 21 Jan – 1 Feb 2013. Of the 10 states which have not yet achieved the necessary law reform, recommendations on the issue were made to eight, including to Botswana (recommendations rejected). Two states – Burundi and Mali – did not receive a recommendation despite the fact that corporal punishment of children is lawful in those states and that the child's rights NGO Association Communautaire pour la Promotion et la Protection des Droits de l'Homme (ACPDH) in Burundi had submitted a briefing on the issue.

Session 16 is now in progress. Recommendations to prohibit corporal punishment have so far been made to Burkina Faso (rejected) and to Cape Verde (accepted). At the time of writing, Cameroon and Djibouti are still to be reviewed. A full report will be included in the next newsletter.

Opportunities for submitting briefings for the 17th session of the UPR, to be held in Oct/Nov 2013, have now passed. **The deadline for submitting briefings on Comoros and Eritrea in the 18th session (Jan/Feb 2014) is 24 June.**

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5 Resources: Research/Reports/Publications

International and regional reports

Pocket statistics on children in Africa, Addis Ababa: The African Child Policy Forum (ACPF), 2012

The Pocket Statistics 2012 presents the latest available data on issues related to children in Africa. It covers demographic, economic, education, health, and other child related indicators. It has two parts. The first part presents summary statistics on Africa and the second part, detailed statistics on individual countries. The legality of corporal punishment is presented for each individual country. It can be downloaded at: www.africanchildforum.org.

Skilful Parenting & Moulding Behaviour at an Early Age: Bridging the gap between what we know and what we do, PAN Secretariat, 2013

Published by Parenting in Africa, this study shows that poor quality childhood education in a child's formative years increases his/her chance of behaving violently in life. It stresses that good parenting habits play a critical role in managing the future behaviour of children. For more information, please email: stella.mbugua@parentinginafrica.org.

National resources

Chad: According to statistics collected under round 4 of the UNICEF Multiple Indicator Cluster Survey programme (MICS4), in 2009 84.3% of children aged 2-14 experienced violent "discipline" (physical punishment and/or psychological aggression). More than three quarters (76.6%) experienced physical punishment and 41.1% experienced severe physical punishment (being hit or slapped on the face, head or ears or being hit over and over with an implement). More than seven children in ten (70.9%) experienced psychological aggression (being shouted at, yelled at, screamed at or insulted). République du Tchad Ministère du Plan, de l'Economie et de la Coopération Internationale et al (2013), *Enquête par grappes à indicateurs multiples: Tchad 2010*)

Nigeria: A report carried out at the end of the Transforming Education for Girls in Nigeria and Tanzania (TEGINT) project, a 2007-2012 initiative to transform the education of girls in Northern Tanzania and Northern Nigeria found that in Nigeria 71% of community members and 72% of girls agreed that "it is not okay for teachers to whip a girl who comes late to school because she was caring for a sick relative". The study involved surveys with 629 girls and 186 community members. (Institute of Education & ActionAid (2013), *Transforming Education for Girls in Nigeria: Endline research summary report*, Abuja: ActionAid Nigeria)

South Africa: The second National School Violence Study undertaken by the Centre for Justice and Crime Prevention (CJCP) revealed the continued use of physical punishment within South African schools as a means of effecting discipline. Overall, a total of 49.8% of the learners surveyed claimed to have been caned or spanked by an educator or principal as punishment for wrongdoings. This percentage was up from 47.5% in 2008, suggesting that little headway has been made in reducing corporal punishment in schools over the past four years. Provincial rates of corporal punishment ranged from 22.4% to 73.7%, with the highest levels of corporal punishment observed in KwaZulu-Natal (73.7%). (Burton, P. & Leoschut, L. (2013) *School Violence in South Africa: Results of the 2012 National School Violence*, Cape Town, The Centre for Justice and Crime Prevention)

Togo: In a study on the wellbeing and vulnerability of child domestic workers, 56% of the child domestic workers involved in Togo said that their employers physically punished them. The study was conducted in 2009 in Peru, Costa Rica, Togo, Tanzania, India and Philippines with around 3,000 children, mostly aged 10-17, half of whom worked as paid or unpaid domestic workers. (Anti-Slavery International (2013), *Home Truths: Wellbeing and vulnerabilities of child domestic workers*, London: Anti-Slavery International)

UR Tanzania: A report carried out at the end of the Transforming Education for Girls in Nigeria and Tanzania (TEGINT) project, a 2007-2012 initiative to transform the education of girls in Northern Tanzania and Northern Nigeria found that in Tanzania 70% of community members and 87% of girls agreed that “it is not okay for teachers to whip a girl who comes late to school because she was caring for a sick relative”. The study involved surveys with 295 girls and young women aged 11-22 and 91 community members. (Institute of Education & ActionAid (2013), *Transforming Education for Girls in Tanzania: Endline research summary report*, Dar es Salaam: ActionAid Tanzania)

In a study on the wellbeing and vulnerability of child domestic workers, 30% of the child domestic workers involved in Tanzania said that their employers physically punished them. The study was conducted in 2009 in Peru, Costa Rica, Togo, Tanzania, India and Philippines with around 3,000 children, mostly aged 10-17, half of whom worked as paid or unpaid domestic workers. (Anti-Slavery International (2013), *Home Truths: Wellbeing and vulnerabilities of child domestic workers*, London: Anti-Slavery International)

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6 Media watch

Senegal: In March 2013, a fire that left nine children dead prompted the Senegalese government to take action on the sensitive issue of the *talibés*, children who are forced to beg on the streets. The Senegalese government is expected to unveil a major plan that will regulate the Qur’anic schools, known as *daaras*, and put an end to children begging on the streets by the end of next year. Just weeks before the fire, Khalife Thierno Amadou Baldé, a highly respected religious leader had told parents to stop sending their children away with marabouts: “Stop sending your children to study outside of your locality. There, they are good for begging, hard work and beatings,” (*The Guardian*, 17 April 2013). (Note: In 2010, a report by Human Rights Watch documented physical punishment and other severe violations of the rights of at least 50,000 talibés, mostly boys under 12, attending residential Quranic schools in Senegal. (Human Rights Watch (2010), *Off the Backs of the Children: Forced Begging and Other Abuses against Talibés in Senegal*))

South Africa: During a visit by the organisation Childline at a high school in the Northern Cape, it came to light that corporal punishment was still being practiced and some teachers verbally abused learners to

the school recently. Learners also seem to fear one particular room where the alleged physical abuses by teachers were taking place. (*IOL News*, 9 April 2013)

Swaziland: A 17-year-old Swaziland schoolgirl was thrashed with 22 lashes of the cane by a male teacher because her mother is too poor to pay her school fees. Save the Children Fund Director Dumsani Mnisi called the action “inhuman” and “a crime”. (*Swazi Media*, 27 March 2013)

UR Tanzania: In response to the Deputy Minister for Educational and Vocational Training’s statement in support of corporal punishment in schools (see recent developments section above), Mr Ezekiel Oluoch, Secretary General for Tanzania Teachers Union expressed his disagreement with the use of corporal punishment in schools. He said: “I don’t agree with our minister, as a teacher when you cane students they hate you...” Sharing similar views, Prof Issa Omary Mcholo, from the Open University of Tanzania added that corporal punishment was against the spirit of human rights as proclaimed in the United Republic of Tanzania’s Constitution. (*The Citizen*, 26 April 2013)

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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. Please send us any recent research findings relevant to corporal punishment of children in Africa at the following address: vohito@endcorporalpunishment.org.

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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