



Global Initiative to  
End All Corporal Punishment  
of Children

## Ending Corporal Punishment of Children: Africa E-Newsletter

FRENCH VERSION ALSO AVAILABLE

Issue 15: May 2014

### **In this issue**

As the commemoration of the 2014 Day of the African Child is approaching, the Global Initiative has issued a briefing on the theme: “**A child friendly, quality, free and compulsory education for all children in Africa**”. We hope that CSOs, NGOs and NHRIs across the continent will join us in celebrating this important event. Read on for further details plus new resources of the Global Initiative and coverage of corporal punishment in the work of human rights treaty bodies and the Universal Periodic Review...

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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](http://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](mailto: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](http://www.endcorporalpunishment.org).

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## 2 Recent developments in Africa

### Positive moves

*Mauritius:* In the context of the Universal Periodic Review (see below), Mauritius has confirmed that the Children's Bill currently under discussion will prohibit all corporal punishment.

### Opportunities for prohibiting corporal punishment – appeal for information

There are currently draft laws under discussion in a number of African countries which provide key opportunities for enacting prohibition of corporal punishment. In Benin, Burkina Faso, Niger, South Africa, Uganda and Zambia the draft laws/bills being considered include prohibition of corporal punishment. In the following countries, prohibition is reportedly included in draft child laws but we have yet to verify that they would achieve full prohibition: Burundi, Central African Republic, Comoros, Gabon, Guinea-Bissau and Mauritius. And in the following states we know that draft child/family legislation is under discussion but we have no information as to whether or not this includes prohibition of corporal punishment: Algeria, Angola, Cape Verde, Chad, Cote d'Ivoire, Djibouti, DR Congo, Equatorial Guinea, Gambia, Libya, Madagascar, Malawi, Sao Tome and Principe and Senegal. If you can provide us with further information on the current state of law reform in any of these states we would love to hear from you. Email [vohito@endcorporalpunishment.org](mailto:vohito@endcorporalpunishment.org).

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## 3 Campaigns and other moves towards prohibition

The theme of the Day of the African Child in 2014 is “**A child friendly, quality, free and compulsory education for all children in Africa**”. On this occasion, the Global Initiative has issued a briefing calling NGOs, CSOs and NHRIs, to use the opportunities presented by the 2014 Day of the African Child highlight to African governments the obligation under international and regional human rights law to prohibit and eliminate all corporal punishment of children. The briefing highlights that corporal punishment in schools is often why children drop out of school, making them more vulnerable to other forms of exploitation, and that failing to prohibit school-based violence ultimately promotes a low level of education and negatively impacts on social cohesion and development. The briefing can be downloaded [here](#).

In May 2014, Amnesty International launched its [Stop Torture Global Campaign](#), which aims to combat widespread torture and other ill-treatment including corporal punishment, in the modern world. The organisation recognises that several nations states still authorise judicial corporal punishment, and that whatever their status in national laws, all forms of corporal punishment are prohibited under international

law, being cruel, inhuman and degrading and often amounting to torture. The organisation is calling on governments to implement protective mechanisms to prevent and punish torture – such as independent checks on places of detention, independent and effective investigations of torture allegations, the prosecution of suspects and proper redress for victims. The campaign will focus in particular on five countries including Morocco and Western Sahara and Nigeria.

### **National campaigns and calls for prohibition**

*Burkina Faso:* In April, with the financial and technical support of Plan Burkina, the regional directorate of social action and national solidarity of Loba organised a two-day teachers’ training workshop on child protection in the school setting. Participants included teachers, parents’ association representatives and “educative mothers” (*mères éducatrices*). Crown Prosecutor Diébouyou Aboubacar Yé made a presentation on the opportunities for criminal actions and possible sanction against perpetrators of corporal punishment of children in schools. (*Agence d’information du Burkina*, 24 April 2014)

*Senegal:* As part of its [Reinforcement of Parental Practices \(RPP\) Module](#) which was launched in March 2013 and is being rolled out over 3 years, the NGO Tostan is organising meetings followed by public declarations to stop violence against children in schools and in the community. In April, the organisation held a capacity building workshop on parenting practices in Mbour. Participants including local authorities, community and religious leaders and school authorities raised the issue of corporal punishment in schools and in the community. Following the workshop Imam Mademba Diop stated that the workshop enabled participants to improve their “traditional parental practices” at koranic and other schools, as well in daily life. (*Agence de Presse senegalaise*, 10 April 2014)

*The Gambia:* In an interview for a national newspaper, Njundu Drammeh, executive director of the Child Protection Alliance (CPA), called for the amendment of the Gambian Children’s Act 2005 to ensure prohibition of corporal punishment of children in all settings. Mr Njundu stated that positive and more effective disciplinary practices should be implemented instead of using corporal punishment or subjecting children to other dehumanising and degrading punishments. He added that children can be taught to respect adults and obey rules and regulations in a non-violent way. (*Gambia Affairs*, 22 March 2014)

*Uganda:* The organisation [Nurture Africa](#) promotes child protection policies in its 86 partner schools to eliminate corporal punishment and promote a violence-free environment for school children. Nurture Africa believes that any child that is verbally, physically or sexually abused has the right to justice and aims to ensure that every reported child abuse case is adequately followed up in the community until justice is achieved. The organisation was established in 2004 to assist orphans and vulnerable children in getting quality education. Nurture Africa also conducts research and develops user manuals on eliminating corporal punishment and using alternative non-violent methods in disciplining children. (*New Vision*, 8 May 2014)

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## **4 Human rights monitoring**

### **Key decisions and recommendations, etc**

The **African Committee of Experts on the Rights and Welfare of the Child** held its 23<sup>rd</sup> session in Addis Ababa, Ethiopia, from 9 to 16 April 2014. The Committee considered Liberia’s initial state party report. During the examination, Committee members asked questions about the legality of corporal

punishment of children in schools.

The **UN Human Rights Committee** held its 110<sup>th</sup> session in March 2014. Two African states were reviewed during the session and both received recommendations on corporal punishment. To Chad, the Committee noted that corporal punishment is prohibited in schools but expressed concern at its continued use in some Koranic schools and at toleration of its use in the family. The Committee recommended that Chad effectively implement the prohibition in schools and take measures to end corporal punishment in all circumstances. To Sierra Leone, the Committee noted the provisions against ill-treatment in the Child Rights Act 2007 but expressed concern that corporal punishment is not explicitly prohibited. The Committee recommended that steps be taken – including legislative measures – to end corporal punishment in all settings. For further information, see the Global Initiative’s country reports for [Chad](#) and [Sierra Leone](#).

On 14 April 2014, the [Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure](#), which allows children and their representatives to submit complaints to the UN Committee on the Rights of the Child about violations of children’s rights, came into force. The only African state so far to have ratified the Protocol is Gabon; a number of African states have signed but not yet ratified it: Benin, Cape Verde, Côte d’Ivoire, Ghana, Guinea-Bissau, Madagascar, Mali, Mauritius, Morocco, Senegal and Seychelles. A child-friendly explanation of the Protocol is available [here](#).

### **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](mailto: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](mailto:vohito@endcorporalpunishment.org)).

#### *Committee on the Rights of the Child:*

- (1) Session 69 Pre-Sessional Working Group (22-24 Sep 2014). The PSWG will adopt Lists of Issues for Ethiopia and Ghana: **the deadline for submitting briefings is 1 July 2014.**
- (2) Session 70 Pre-Sessional Working Group (2-6- Feb 2015). The PSWG will adopt Lists of Issues for Central African Republic and Eritrea: **the deadline for submitting briefings is 1 November 2014.**

#### *Committee Against Torture:*

- (1) Session 53 (3-28 Nov 2014). The Committee will examine Burundi: **the deadline for submitting briefings is 17 October 2014.** The Committee will adopt Lists of Issues Prior to Reporting for Gabon, Senegal and Togo **the deadline for submitting briefings is 22 August 2014.**

#### *Committee on Economic, Social and Cultural Rights:*

- (1) Session 54 Pre-Sessional Working Group (1-5 Dec 2014). The PSWG will adopt Lists of Issues for

Sudan and Uganda: **the deadline for submitting briefings is 1 October 2014.**

*Committee on the Elimination of Discrimination against Women:*

(1) Session 58 (30 Jun – 18 Jul 2014). The Committee will examine Central African Republic, Mauritania and Swaziland: **briefings should be submitted by 13 June 2014.**

(2) Session 60 Pre-sessional Working Group (21-25 Jul 2014). The PSWG will adopt Lists of Issues for Eritrea and Gabon: **briefings should be submitted by 13 June 2014.**

(3) Session 59 (20 Oct – 7 Nov 2014). The Committee will examine Ghana: **briefings should be submitted by 2 weeks before the session (exact date to be confirmed).**

(4) Session 61 Pre-Sessional Working Group (10-14 Nov 2014). The PSWG will adopt Lists of Issues for Gambia, Namibia and Senegal: **briefings should be submitted by 2 weeks before the session (exact date to be confirmed).**

*Human Rights Committee:*

(1) Session 111 (7-25 Jul 2014). The Committee will examine Malawi and Sudan: **the deadline for submitting briefings is 13 June 2014.**

(2) Session 112 (7-31 Oct 2014). The Committee will examine Burundi: **the deadline for submitting briefings is not yet published.**

**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](mailto:info@endcorporalpunishment.org)).

States that were reviewed in the 17<sup>th</sup> session of the Universal Periodic Review, held in Oct/Nov 2013, responded formally to recommendations on corporal punishment during the 25<sup>th</sup> session of the Human Rights Council, 3-28 March 2014. Six African states were among those reviewed. Mauritius responded to a recommendation to adopt legislation that explicitly prohibits corporal punishment by confirming that corporal punishment is prohibited in schools and that the Children's Bill currently under discussion will prohibit all corporal punishment. Senegal accepted a recommendation to "fight against corporal punishment in all places". Chad stated that corporal punishment in public institutions is prohibited in law but rejected the recommendation to prohibit it in all settings. No recommendations on corporal punishment had been made to Central African Republic and Nigeria, but Governments in these states accepted general recommendations to strengthen efforts to protect children's rights and/or to harmonise domestic legislation with international human rights standards. The review also included the Republic of Congo, where prohibition of corporal punishment in all settings was achieved in 2010. For further information, see the Global Initiative's individual country reports: [Central African Republic](#), [Chad](#), [Mauritius](#), [Nigeria](#), [Republic of Congo](#), [Senegal](#).

The 19<sup>th</sup> session was held in Apr/May 2014. Four African states were among those being reviewed – Côte d'Ivoire, DR Congo, Equatorial Guinea and Ethiopia. Recommendations were made to Equatorial Guinea, and accepted by the Government, to develop and resource programmes to eradicate corporal punishment of children. Ethiopia received recommendations to abolish and to criminalise all corporal punishment – the Government accepted one recommendation and will respond to the other by September 2014. For further information, see the Global Initiative's individual country reports: [Côte d'Ivoire](#), [DR Congo](#), [Equatorial Guinea](#), [Ethiopia](#).

The deadline for submitting briefings for the 21st session (Jan/Feb 2015) is **15 June 2014**: Guinea, Guinea-Bissau, Kenya, Lesotho.

The deadline for submitting briefings for the 22nd session (Apr/May 2015) is **15 September 2014**: Liberia, Libya, Malawi

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## **5 Resources: Research/Reports/Publications**

**\*NEW PUBLICATION FROM GLOBAL INITIATIVE\***

The Global Initiative has put together a short guide to what can be learned from states which have achieved prohibition in all settings, including the home, with a particular emphasis on the drafting of prohibiting legislation. Published in May 2014, [Prohibiting all corporal punishment of children: learning from states which have achieved law reform](#), is intended to support all those engaged in promoting and carrying out law reform to prohibit all corporal punishment.

### **High-level conference on childhood free from corporal punishment- changing policies and legislation, 3-4 June 2014, Stockholm, Sweden. (By invitation only)**

Organised by the Swedish Ministry of Social on the occasion of the 25th anniversary of the UN Convention on the Rights of the Child, the conference aims to initiate an international political dialogue on legislation against corporal punishment of children. The conference will focus on the process of introducing, as well as supporting the implementation of, legislation in an effective way. Participants will include ministers and government representatives, high-level representatives of international organisations and key experts in the field. Her Majesty Queen Silvia of Sweden and Marta Santos Pais, Special Representative of the UN Secretary-General on Violence against Children, will be two of the key speakers at the conference.

Note: In Africa, corporal punishment is prohibited in all settings in the following states: Congo (Rep.), Kenya, Tunisia, South Sudan and Togo.

### **National reports**

*South Africa*: A 2014 study highlights that many children continue to experience corporal punishment in schools despite the 1996 prohibition of school corporal punishment. The study recommends increased efforts to change teachers' attitudes to corporal punishment, stronger legal enforcement of the prohibition and increased use of legalistic strategies to improve enforcement of the ban. (Veriava, F. (2014), Promoting effective enforcement of the prohibition against corporal punishment in South African schools, Pretoria University Law Press)

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## 6. Media watch

**Algeria:** The father of a 12-year-old student filed a complaint after his son was allegedly severely beaten by his teacher. The teacher reportedly apologised to the student's parents. (*El Watan*, 20 April 2014) Corporal punishment is unlawful in Algerian schools.

**Kenya:** Police in Kirinyaga are investigating an incident in which the head teacher of a Preparatory School in Ngurubani town caned a student to death. The teacher reportedly hit the 13-year-old boy on the head with a wooden stick when he refused to respond to questions after making a noise in class. The student suffered serious head injuries and died in hospital. Following this incident, John Chigiti, Counsel at the International Criminal Court and Counsel at the African Court, released a statement calling for more accountability of both the Kenyan Ministry of Education and the Teachers Service Commission. John Chigiti called for criminal action against the teacher. While referring to the UN Convention on the Rights of the Child and the Kenyan Constitution - which explicitly prohibits all corporal punishment of children – he noted that the state had “undeniably failed in its duty to implement the laws it has put in place and has failed to protect these vulnerable children”. John Chigiti called for discipline that shows respect and responsibility. (*IQ4News Kenya*, 3 April 2014). (*The Star*, 9 April 2014)

**South Africa:** Following the death of a Grade 10 student, the South African Council for Educators (SACE) said it condemned in the strongest possible terms the continued use of corporal punishment and assault of learners at schools. The Council also announced that it will send a panel of investigators to “attend to this matter and take the necessary corrective measures”. (*SAnews*, 3 April 2014) Note: Corporal punishment is prohibited in schools in article 10 of the South African Schools Act 1996 (art. 10). South Africa is committed to reforming its laws to prohibit corporal punishment in all settings.

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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](mailto: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](mailto: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](mailto:vohito@endcorporalpunishment.org).

We hope you find this newsletter informative and useful and welcome your comments: please email [vohito@endcorporalpunishment.org](mailto: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](mailto: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](http://www.endcorporalpunishment.org) or email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)).

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