



Global Initiative to
End All Corporal Punishment
of Children

Ending Corporal Punishment of Children: Africa E-Newsletter

FRENCH VERSION ALSO AVAILABLE

Issue 8: June 2012

In this issue

The highlights of this issue are the announcement that the Draft Constitution in Zambia includes prohibition of corporal punishment of children in all settings (article 55) and in Uganda, the draft Children (Amendment) Bill 2011 likewise includes prohibition of corporal punishment of children in all settings (Amendment 106A). Both reform processes are still under way and we will keep you informed as they unfold.

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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 this 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

Uganda: As Uganda is reviewing its Children Act, draft proposed amendments in the Children (Amendment) Bill 2011 include the insertion of a new article 106A which states: “Prohibition of corporal punishment: a person who subjects a child to corporal punishment commits an offence and is liable to imprisonment for a term not exceeding three years or to a fine not exceeding one hundred currency points or both. Alternatives to corporal punishment are set out in the Fifth Schedule to this Act and shall be the guiding principles for the positive discipline of children.” The review of the Children Act is still underway.

Zambia: As Zambia is going through a process of Constitutional review, in May 2012 the Technical Committee on drafting the Zambian Constitution launched a public consultation on the first draft of the Constitution. Provisions on corporal punishment are as follows: Article 55: “Every child has a right ... (g) not to be subjected to corporal punishment or any form of violence, or cruel and inhuman treatment, in the home, school and any institution responsible for the care of children.” The draft will still need to go through various levels of public consultations and a national convention, until the final draft is simultaneously presented to the President and the public.

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3 Campaigns and other moves towards prohibition

Regional developments

The Day of the African Child is commemorated annually on 16 June by member states of the African Union. The theme for 2012 is [“The Rights of Children with Disabilities: The Duty to Protect, Respect, Promote and Fulfil”](#): one of the particular areas of concern is “Violence against children with disabilities”. On this occasion the chairperson of the African Committee of Experts on the Rights and Welfare of the Child issued a [statement](#) calling on Member States and Human and Child Rights organisations, to seize this opportunity to continue to raise awareness for an enhanced effort towards the promotion of the rights of disabled children. The Global Initiative also produced a [briefing](#) urging organisations to use the opportunities presented by the Day of the African Child to include the issue in their work and to highlight

to African governments their obligation under the Convention on the Rights of the Child and other international and regional human rights instruments to prohibit and eliminate corporal punishment.

West Africa: In the context of the second international conference in Africa on child sexual abuse, which took place in Accra, Ghana in March 2012, Plan International called for robust child protection systems to be put in place urgently in countries across West Africa. Stefanie Conrad, Plan West Africa's Regional Deputy Director noted that many children in the region continue to be victims of physical, sexual and emotional abuse, which can lead to deep psychological scars, irreversible damage to the health of women and girls in particular, including their reproductive and sexual health and, in some instances, can result in death. She added that schools have a responsibility to ensure that children are protected from physical and sexual abuse while pursuing their education; they also have a responsibility to ensure that students learn how to act in a non-violent and cooperative manner. (*All Africa*, 12 March 2012)

National campaigns and calls for prohibition

Burkina Faso: The NGO Association Cassou Saon organised an awareness raising tour for the promotion and protection of children in the Ziro province. The tour and discussions which ended on 29 March 2012 brought together civil society organisations as well as local councillors. During the discussions, the executive secretary of the Association Cassou Saon raised the issue of harmful traditional practices including corporal punishment, which impede children's full development. (*Sidwaya*, 2 April 2012)

Ghana: Amnesty International (AI) called for the abolition of corporal punishment in schools. In an interview with the Ghana News Agency, Director of AI Ghana, Lawrence Amesu stated that corporal punishment was against the fundamental human rights of children. He also noted that AI Ghana had carried out initiatives to educate teachers against using the cane and on other human rights friendly projects in some communities. (*GNA*, 21 May 2012)

Liberia: Education Minister Etmonia Tarpeh has identified ineffective monitoring of the activities of teachers in the classrooms as one of the weaknesses of the Liberian education sector. The Minister stated that beside training teachers to abandon corporal punishment in school, it is important to effectively monitor the activities of teachers in the classrooms. She also noted that the current system relies mainly on reports from "the actual perpetrators of abuse" in the classrooms. The Minister made this statement following a Seminar on Schools as Zones of Peace (SZOP) held in Kathmandu, Nepal in May 2102. The SZOP stands against corporal punishment in schools. (*LiberianObserver.com*, 12 May 2012)

Senegal: During a meeting organised by Save the Children and Plan International around the endorsement by national stakeholders of a national action plan to end corporal punishment of children in Senegal, a representative of the Senegalese Ministry of Women, Children and Female Entrepreneurship stated that law reform was key to the prohibition of corporal punishment. Mr Ibrahima NDiouk noted that the current review of the Penal Code and the Children's Code were opportunities for Senegal to comply with international human rights standards. He called for full compliance with international treaties to ensure better protection of children against corporal punishment. (*Le Populaire*, 6 June 2012) (*Le Soleil*, 6 June 2012). The national action plan was developed in December 2011, during a technical workshop on ending corporal punishment of children, held in Ouagadougou Burkina Faso (see issue no. 6 of this newsletter).

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4 Human rights monitoring

Key decisions and recommendations, etc

The **Committee on the Rights of the Child** published its concluding observations on states examined at the 59th session (16 January – 3 February). The Committee recommended prohibition of corporal punishment by law in all settings, including the home, to all those states which have not yet achieved law reform including Madagascar. It also recommended that law reform be accompanied by public awareness raising on the harmful effect of corporal punishment and the promotion of positive, non-violent, participatory forms of childrearing and education. The recommendations made to Madagascar are included in the Global Initiative’s individual country report on [Madagascar](#).

The **Human Rights Committee** held its 104th session in New York, 12-30 March and recommended to Cape Verde that the Government puts an end to corporal punishment of children in all settings, including the home. Further details can be found in the country report for [Cape Verde](#).

The **Committee on Economic, Social and Cultural Rights** held its 48th session 30 April – 18 May. To Ethiopia, the Committee expressed concern at the legality of corporal punishment under article 576 of the Criminal Code and article 258 of the Family Code and recommended that both Codes be amended as a matter of priority to prohibit corporal punishment in the home and alternative care settings. For further information see the country report for [Ethiopia](#).

The **Committee Against Torture** published its concluding observations on states examined at the 48th session in May/June 2012. The Committee recommended prohibition of corporal punishment of children in all settings, including the home, to a number of states, including to Rwanda. For details, see the country report on Rwanda.

The Global Initiative has finalised its analysis of the issue of corporal punishment in the first cycle of the **Universal Periodic Review** – the report is available [here](#). The review of states in the 13th session – the first in the second cycle – has now concluded. The issue of corporal punishment was raised with regard to most of the states reviewed: recommendations on corporal punishment were made to Algeria (Government response due by September), Morocco (accepted by the Government), South Africa (response due by September) and Tunisia (accepted).

The **Human Rights Council** held its 19th session from 27 February to 23 March 2012. The **UN Special Representative of the Secretary-General on Violence against Children** (SRSG) submitted her [third annual report](#), which reviews key developments and initiatives promoted, and identifies priority areas of the SRSG. It notes the SRSG’s suggestion to the **African Committee of Experts on the Rights and Welfare of the Child**, Special Session on Violence against Children in March 2010, that strategic promotion of the Committee’s work should include “collaboration in an advocacy campaign to call for explicit legal ban on all forms of violence against children, including corporal punishment”. At a panel discussion during the session, the SRSG presented her new report on, [Tackling Violence in Schools: A global perspective – Bridging the gap between standards and practice](#), which looks at corporal punishment as well as other forms of violence in schools. The report refers to research findings on physical violence in schools in African States (e.g. Guinea, Liberia, South Africa, etc.) and highlights initiatives to end corporal punishment in schools, including in Africa.

A [Thematic study on the issue of violence against women and girls and disability](#) is to be presented to the 20th session of the **Human Rights Council** in June 2012. It recognises that women and girls with disabilities experience violence, including from family members and caregivers, in their homes, institutions, schools and other settings, notes that children with disabilities are more vulnerable to corporal punishment in all settings and recommends ensuring that legislation “expressly prohibits all forms of

violence against women and girls with disabilities” in line with international human rights treaties including the Convention on the Rights of the Child

The [Optional Protocol to the Convention on the Rights of the Child on a communications procedure](#) – which will allow children to make complaints concerning violations of their rights, including the right to protection from all corporal punishment and other cruel or degrading treatment – opened for signature on 28 February 2012. As at May 2012 it had been signed by 22 states but not yet ratified by any: it will come into force three months after it has been ratified or acceded to by 10 states.

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 information concerns briefing the treaty bodies with a view to influencing the lists of issues which are adopted for each state coming up for examination. We are always willing to advise NGOs and human rights institutions on the practical details of how to submit briefings (email vohito@endcorporalpunishment.org).

The [Committee on the Rights of the Child](#) pre-sessional working group will be meeting in October 2012 to adopt the Lists of Issues for future examination of Rwanda. Briefings should be submitted by 15 July (more information [here](#)).

The [Committee Against Torture](#) appears to have already adopted or be in the process of adopting, where applicable, Lists of Issues for states being examined in the foreseeable future. However, NGOs may submit information to inform the actual examination of states. In October/November 2012, the Committee will be examining Gabon, Senegal and Togo. **Information should be submitted by 12 October 2012** (more information [here](#)).

The [Committee on Economic, Social and Cultural Rights](#) pre-sessional working group will be meeting in November 2012 to adopt the Lists of Issues for the future examinations of Rwanda, Togo and possibly Egypt. **Briefings on these states should be submitted by 1 October 2012** (more information [here](#)).

The [Committee on the Elimination of Discrimination against Women](#) pre-sessional working group will be meeting in July 2012 to adopt the Lists of Issues for the future examination of Angola. **The deadlines for making submissions have now passed.** (more information [here](#) and [here](#)).

The 15th session of the [Universal Periodic Review](#) will take place in January/February 2013. **Briefings should be submitted by 9 July 2012** for Botswana, Burundi and Mali. The Global Initiative has prepared advance draft briefings to share with partners to support the submission of information by national NGOs: please let us know if you would like to receive a copy of the briefing for your state. The deadlines for submission of briefings throughout the second cycle (2012-2016) is available [here](#).

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5 Resources: Research/Reports/Publications

New report on alternative care settings A new report on prohibiting corporal punishment in alternative care and day care settings is now available. Care settings are often among the last in which prohibition is enacted: in Africa, only six states have explicitly prohibited corporal punishment in all forms of alternative care or day care, leaving millions of African children, including some of society's most vulnerable, subject to violent and other humiliating punishment by those whose role it is to take care of them. Published by the Global Initiative working with Save the Children Sweden, [*Ending legalised violence against children: Prohibiting and eliminating corporal punishment in all alternative care and day care settings*](#) aims to accelerate the prohibition and elimination of all corporal punishment and other cruel or degrading punishment in care settings, supporting its universal prohibition in all settings of children's lives. The report can be used to raise awareness about children's right to protection, support the use of human rights mechanisms in campaigning for law reform and provide guidance on the drafting and implementation of legislation which prohibits all corporal punishment.

International and regional reports

The latest UNICEF [*State of the World's Children 2012*](#) includes information on "violent discipline" and has a specific column for this in its regular table on Child protection, where it is defined as referring to the "Percentage of children 2–14 years old who experience any violent discipline (psychological aggression and/or physical punishment)". The full report can be downloaded [here](#).

A major new report involving men in **Brazil, Chile, Croatia, India, Mexico and Rwanda** found that men who had experienced violence, including corporal punishment, during childhood, were more likely to perpetrate intimate partner violence, hold inequitable gender attitudes, be involved in fights outside the home or robberies, pay for sex and experience low self-esteem and depression, and were less likely to participate in domestic duties, communicate openly with their partners, attend pre-natal visits when their partner is pregnant and/or take paternity leave. The study found high prevalence levels of ever having been slapped or "spanked" by a parent or adult in the home. The prevalence of psychological violence, including humiliation and threats of physical violence from parents/guardians, was high in all countries, and experience of school corporal punishment during childhood was also common (27-67%) in all countries except Brazil. The report recommends the promotion of non-violent childrearing strategies. (Contreras, M. et al (2012), [*Bridges to Adulthood: Understanding the Lifelong Influence of Men's Childhood Experiences of Violence*](#), Analyzing Data from the International Men and Gender Equality Survey, Washington DC: International Center for Research on Women (ICRW) and Rio de Janeiro: Instituto Promundo)

National resources

South Africa: Statistics SA released its [*General household survey*](#) for 2011 in May. It shows that in 2011, 17.2% of learners experienced corporal punishment at school, increased from 16.8% in 2009. In 2011, the figures ranged from 3.7% in Western Cape to 30.2% in Eastern Cape.

The South Africa Council of Educators reported an increase in the number of reports of corporal punishment in recent years. Between 2010 and 2011 there were 90 complaints to the Council, between March 2011 and April 2012 there were 140. Chief operations officer Tsedi Dipholo identified the need for educators to be assisted in using alternatives to corporal punishment, with that responsibility shared by all stakeholders in the school. (Times Live, 12 March 2012)

Uganda: As part of its media campaign against violence against children, the NGO Raising Voices has launched a series of short films which address violence against children. For more information, please contact Kirsten@raisingvoices.org and dipak.naker@raisingvoices.org.

UR Tanzania: A study carried out in a Tanzanian orphanage found that while experiencing violence including corporal punishment by caregivers severely contributed to children's mental ill health and aggressive behaviour, ending the use of corporal punishment by caregivers was correlated with a decline in children's experiences of violence and an improvement in their mental health. The study involved 38 children with a mean age of eight, living in an orphanage in rural Tanzania. Their mental and physical health, aggressive behaviour and experiences of violence were assessed before and after a new instructional system was introduced in the orphanage. As part of the new instructional system, caregivers were informed that any use of physical punishment would lead to instant dismissal and were trained on non-violent and positive discipline strategies over two weeks of short training sessions. Children aged 12 and over were told that their caregivers would be dismissed if they used physical punishment. An assessment carried out six months after the new system was introduced found that children were experiencing less violence in the orphanage and showed fewer symptoms of post-traumatic stress disorder. (Hermenau, K. et al (2011) "[Childhood adversity, mental ill-health and aggressive behavior in an African orphanage: Changes in response to trauma-focused therapy and the implementation of a new instructional system](#)", *Child and Adolescent Psychiatry and Mental Health*, 5(29))

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6 Media watch

Ghana: ActionAid Ghana notes that children continue to be caned in schools for reasons such as the clothes they wear to school. The organisation believes that children deserve to have a safe and conducive environment to be able to enjoy school, stay in school and learn. It therefore calls on teachers to comply with the Teachers' Code of Conduct, which provides in its Part 3.8(a)(i) that teachers should not administer any act of corporal punishment, or any act that inflicts physical pain on the children or causes physical harm to their pupils/students. (ModernGhana.com, 14 March 2012). [Note: Corporal punishment is lawful in schools in Ghana. Ministerial directives advise against its use but this has not been confirmed in legislation.]

Senegal: A 12 year old girl was beaten to death by her caregiver in the town of Djibidione. An enquiry was opened and the caregiver was arrested. (*Agence de Presse Senegalaise*, 17 May 2012)

South Africa: The Gauteng Department of Education will investigate acts of corporal punishment captured on cellphone footage at an East Rand School. In the video, a teacher is seen assaulting a learner with a belt. The Gauteng Department of Education stated that they will follow up the case. (*SABC*, 23 March 2012)

Swaziland: Students of a primary school complained of being punished by a teacher who reportedly used "military style methods". On one occasion the teacher is reported to have forced a class to stand in pouring rain – with thunder and lightning – for allegedly failing to listen to his instructions. Parents and students have reported the matter to the school committee. (*Times of Swaziland*, 12 May 2012)

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7 Events in the region

International Expert Consultation to address Harmful Practices: 13- 15 June 2012, Addis Ababa, Ethiopia

The Special Representative of the UN Secretary-General on violence against children, the African Committee of Experts (ACERWC) and Plan International, in cooperation with the Committee on the Rights of the Child, UNICEF, OHCHR and the NGO Advisory Council co-hosted an international consultation on how to effectively address harmful traditional/cultural practices against children (both girls and boys) within plural legal systems. The Consultation focused on sharing good legislative examples, taking into account possible risks and backlashes, in countries where law reform combined with effective enforcement, awareness-raising and social mobilisation has given positive results in addressing harmful practices against children.

Outcomes of past events

International colloquium on mental health in schools, 27- 28 February 2012, Tizi Ouzou, Algeria

The psychology department of Tizi Ouzou University held an international colloquium to discuss issues around mental health in the school setting in Algeria. The colloquium chairperson Dr Zohra Boukerma stated that schools in Algeria are a “source of stress, which could harm children’s mental health”. Dr Zohra Boukerma noted that corporal and verbal punishment against children in school could lead to stress and affect children’s future.

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8 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 vohito@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

- sending us photos and other illustrations of campaigns from Africa for use in our publications.
Please note that currently we are especially looking for photos from West Africa
- 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 vohito@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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