



Global Initiative to
End All Corporal Punishment
of Children

Ending Corporal Punishment of Children: Africa E-Newsletter

FRENCH VERSION ALSO AVAILABLE

Issue 6: November 2011

In this issue

The highlight of this issue is that Togo has now officially joined the list of States prohibiting all corporal punishment of children in all settings. Prohibition was included in the Children's Code (2007) and in its 2011 state party reports to the UN Committee on the Rights of the Child and the African Commission on Human and Peoples' Rights, Togo clearly stated that the prohibition is comprehensive. With Togo now on the list, there are four African states fully prohibiting corporal punishment of 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).

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2 Recent developments in Africa

Prohibition of all corporal punishment

Togo: As you may already know, Togo has been added to the list of states which have enacted legislation prohibiting all corporal punishment of children in all settings, including the home. Explicit prohibition is included in articles 357 and 376 of the Children's Code (2007) but until now the Global Initiative had been unable to obtain official confirmation from the Government that these provisions were interpreted as prohibiting all corporal punishment, without exception. However, Togo's 2011 state party reports to the UN Committee on the Rights of the Child and the African Commission on Human and Peoples' Rights clearly state that the prohibition is comprehensive. This brings the number of African states fully prohibiting corporal punishment of children to four (the others are Tunisia, Kenya and South Sudan) and the total number worldwide to 31.

Positive moves

Mauritius: During the presentation of her annual report in Port-Louis in October 2011, the Ombudsperson for Children, Ms Shirin Aumeeruddy-Cziffra, said that she is in favour of prohibiting all corporal punishment of children. She believes that urgent action is needed to fully respect the rights of children and wants a prohibiting clause to be added to the new Children's Bill, which is being prepared. Ms Shirin Aumeeruddy-Cziffra noted that "Violence begins with a small slap and increasingly becomes more serious". The Ombudsperson for Children also called on all professionals to work together in order to avert this issue. This proposal follows a survey of violence perpetrated against children by family members. For more information, please go to: <http://www.gov.mu/portal/site/Ombudsmansite>

Zambia: Corporal punishment is now prohibited in schools. The new Education Act, assented to by the President in April, states in article 28: "(1) A teacher, employee or other person at an educational institution shall not impose or administer corporal punishment or degrading or inhuman treatment on a learner or cause corporal punishment or degrading or inhuman treatment to be imposed or administered on a learner. (2) A teacher, employee or other person who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a period not exceeding one year, or to both."

But...

Kenya: Muslim leaders from Kakamega County have called for the reintroduction of corporal punishment in schools, blaming problems with indiscipline on the removal of the cane from classrooms. (*Nairobi Star*, 25 August 2011) Note: Kenya's new Constitution (2010) protects every person from corporal punishment including the home (article 29).

South Africa: The second/third periodic report to the UN Committee on the Rights of the Child was released by the Department of Women, Children and Persons with Disabilities on 12 October 2011. While it does make reference to corporal punishment (by referring to the recommendation of the Committee of the Rights of the Rights of Child after it examined South Africa's initial report in 1998), it does not refer to it again. It refers briefly to discipline, only in the context of schools. South Africa is due to be reviewed by the UPR in 2012. A Working Group on Positive

Discipline in South Africa has been campaigning for the explicit prohibition of corporal punishment of children in all settings and the promotion of positive discipline of children (see next section).

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3 Campaigns and other moves towards prohibition

Angola: Save the Children in Angola (SCiA) developed a media campaign and related materials in response to the widespread corporal punishment of children in schools. A range of materials was developed, including an opinion piece and press release, for use at the time of the campaign launch. Three pamphlets were developed, focusing on the harmful effects of corporal punishment; implementing positive discipline; and responding to religious and cultural arguments supporting corporal punishment. Two anti-corporal punishment comics and an anti-corporal punishment poster were produced. The materials also included a three-page Fact Sheet dealing with a number of the common myths and misperceptions about corporal punishment, and two booklets, a guide for teachers to positive discipline in the classroom and a guide to implementing violence-free schools environments. Three PowerPoint presentations, for use in gearing up for the campaign, were also developed. SCiA and the National Children's Institute (INAC) launched the campaign on 19 November 2011. For further information, please contact Adelino Sanjombe on adelinoscia@gmail.com.

Côte d'Ivoire: Fondation pour l'Enfance is an NGO working on the promotion, the protection and the welfare of the child in Côte d'Ivoire. In August 2011, the organisation published a position paper on the "situation of children in post-crisis Côte d'Ivoire: problems and proposals for actions". The document which aims to contribute to speeding up the inclusion of children's issues in national reconstruction policies and highlights the need for enacting laws prohibiting corporal punishment of children, especially in the school setting. For more information, please go to: <http://enfantsdecotedivoire.asso-web.com/>

Ghana: Defence for Children International-Ghana (DCI-Ghana) launched a campaign to eliminate violence against girls and young women, including corporal punishment. The "Girl Power" project aims to protect and empower girls by supporting them with social and legal aid over a five year period 2011-2016. DCI-Ghana plans to collaborate on the project with civil society organisations and government institutions. (*Ghanaian Chronicle*, 7 September 2011) For more information, please contact: dcighana@yahoo.com

South Africa: The Department of Social Development has commenced a process of a further Amendment to the South Africa's Children's Act (37 of 2005) as Amended (41 of 2007). The South African Working Group on Positive Discipline (WGPD) prepared a submission to the amendment process. The wording recommended by the WGPD for an amendment to the Children's Act included definitions of positive discipline and positive parenting, prohibition of corporal punishment by parents and in alternative care settings, and abolition of the common law defence of reasonable chastisement. It made provision for education and awareness-raising programmes, and programmes promoting positive discipline. To obtain copies of the WGPD submission, please contact: vuyiswa@rapcan.org.za

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4 Human rights monitoring

Key decisions and recommendations, etc

The **Committee on the Rights of the Child** issued its concluding observations on states examined at its 58th session in September/October. The Committee recommended that Seychelles reform its domestic laws to explicitly prohibit corporal punishment in all settings, including through repealing all legal defences for its use. The Committee's recommendations relating to corporal punishment are available [here](#) and are included in the Global Initiative's individual state report for Seychelles.

The 12th session of the **Universal Periodic Review** (UPR) of states by the Human Rights Council took place in October. The official records are not yet available. During the previous (11th) session in May, recommendations concerning corporal punishment were made to states including Seychelles, Somalia and Sudan. The Governments' responses are not yet available.

In its resolution 65/197, the General Assembly requested the Secretary General to submit a **report on the status of the Convention on the Rights of the Child**, with a particular focus on children with disabilities, to the 66th session of the General Assembly. The [Report of the Secretary General on the Status of the Convention on the Rights of the Child](#), dated 3 August 2011, noted the increased vulnerability of disabled children to severe physical punishment as well as to particular forms of abuse inflicted in the guise of "behaviour modification". It recommended a range of measures to address violence against disabled children, including the introduction of disability sensitive legislation relevant to all settings.

The [second annual report](#) of the **Special Representative of the Secretary-General on Violence against Children**, Marta Santos Pais, was also submitted to the General Assembly for its 66th session. The report places a strong emphasis on law reform to protect children from all forms of violence, including corporal punishment, noting that "where deeply rooted social conventions condone the use of violence as a child-rearing practice or a necessary form of discipline, it is critical to promote a sustained process of advocacy, education, law enactment and enforcement, and evaluation".

The **UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**, Juan E. Méndez, produced his [interim report](#) for the General Assembly. It focuses on the use of solitary confinement, including its use as a punishment and a disciplinary measure for juveniles in detention, and recommends its abolition.

The UN Secretary General's campaign **UNiTE to end violence against women** published a [Handbook](#) on how to develop national action plans on violence against women. It presents a model framework for national action plans, together with detailed recommendations and examples of good practice. The handbook does not specifically mention corporal punishment of children but it does recommend that national action plans "recognise and address the multiple and intersecting forms of violence against women" and confirms that violence is experienced "across the life course in different ways and contexts, and many forms of violence against women are also experienced by girls". It states: "National Action Plans (whether through single or multiple strategic documents) should name and address the different forms and manifestations of violence against women, so that policy can take into account the commonalities and overlaps between them." The Global Initiative urges those involved in planning to prohibit and eliminate violence against women to recognise that this should include addressing violence that is lawfully inflicted on girls and boys, in the domestic and other spheres, under the guise of discipline.

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. Current opportunities to submit advance briefings on states coming up for examination are listed below. We are always willing to advise NGOs and human rights institutions on the practical details of how to submit briefings (email info@endcorporalpunishment.org).

The *African Committee of Experts on the Rights and Welfare of the Child* will be meeting at its 18th session from 27 November to 1st December 2011 to consider State party reports of Cameroon, Niger and Senegal. **The deadline for submitting briefings to the Committee has now passed.** For more information about the African Committee's session, please go to: www.acerwc.org/sessions

Details of the next meeting of the *Committee on the Rights of the Child* pre-sessional working group, which decides on the List of Issues to be adopted for each state, are **not yet available**. Please check the [Committee's website](#) for updates.

The *Committee Against Torture* pre-sessional working group will be meeting at its 48th session in May/June 2012. Details of the states for which Lists of Issues will be adopted are **not yet available**. Please check the [Committee's website](#) for updates.

The *Committee on the Elimination of Discrimination against Women* pre-sessional working group will be meeting at its 51st session in February/March 2012 to consider the issues to raise in its future examination of the Central African Republic. **Briefings should be submitted by 13 January 2012.**

The 13th session of the *Universal Periodic Review* will take place in May 2012, the first session of the second cycle of the Review. **The deadlines for making submissions have now passed.**

NEW RESOURCES TO SUPPORT NGO ENGAGEMENT WITH HUMAN RIGHTS BODIES

Road map for civil society engagement: State reporting procedure of the African Commission on Human and peoples' Rights. Published in September 2011 by Association Justice, Peace and Democracy (Angola), Conectas Human Rights (Brazil) and International Service for Human Rights (Switzerland), this road map aims to encourage civil society organisations (CSOs) to engage more extensively in the process of State reporting to the African Commission on Human and peoples' Rights (ACHPR). It provides basic information, describes challenges and share tips based on concrete experiences by CSOs working with the ACHPR. For more information, please contact: ajpd@netangola.com; conectas@conectas.org; information@ishr.ch

The **NGO Group for the CRC** has published two new fact sheets to support NGOs in using the UPR – *The Universal Periodic Review: Information for NGOs*, which describes what the UPR is and how it works, and *NGO Submission for the Universal Periodic Review: Information for NGOs*, which explains how to write and submit a briefing to the UPR.

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5 Resources: Research/Reports/Publications

Ending legalised violence against children: All Africa Report 2010 – Following up the UN Secretary General's Study on Violence against Children (French version now available)

Jointly published by The Global Initiative to End All Corporal Punishment of Children, The African Child Policy Forum and Save the Children Sweden, the report includes key messages from eminent child rights' experts and information on progress towards prohibition and challenges and opportunities on the issue of corporal punishment of children in Africa. Both the English and French versions are available online at www.endcorporalpunishment.org. A limited number of hard copies in French is available (email Sonia Vohito, vohito@endcorporalpunishment.org).

International studies

Ending legalised violence against children: Global Report 2011 – Following up the UN Secretary General's Study on Violence against Children. This sixth **Global Report from the Global Initiative to End All Corporal Punishment of Children** and **Save the Children Sweden** reviews progress towards prohibition of corporal punishment of children throughout the world, in the context of the follow-up to the UN Secretary General's Study on Violence against Children. The report will be published in December 2011 and will be available at www.endcorporalpunishment.org.

The **International NGO Advisory Council for follow-up to the UN Secretary-General's Study on Violence Against Children** published a report marking five years since the final recommendations of the UN Study were issued. [*Five Years On: A global update on violence against children*](#) reveals persisting violence of all kinds against children and calls on governments to strengthen laws and strategies to end it. It pays particular attention to the problem of corporal punishment, acknowledging the growing number of states which have prohibited it by law in all settings but states that progress is far too slow, with the acceptance, legality and prevalence of corporal punishment remaining high across the world. Marta Santos Pais, the UN Secretary-General's Special Representative on Violence against Children, stated that the report "highlights how far we are from safeguarding the right of all children to develop to their full potential in a violence-free environment, as violence remains widespread, socially condoned, and in many cases considered as a lawful practice, form of discipline, or sentencing of children."

A child rights situation analysis of countries in the **Middle East and North Africa** highlights the failure of states in the region, with the exception of Tunisia, to prohibit all corporal punishment of children, including in the home and alternative care settings. Some states have enacted prohibition in schools but school corporal punishment remains legal in others, including Egypt and Morocco. (Abdul-Hamid, Y. (2011), [*Child Rights Situation Analysis: Middle East and North Africa, Save the Children Sweden*](#))

National reports

Gabon: In June 2011, the National Observatory on Child Rights released a study on violence against children in Gabon. The study reveals that 77% of children experience physical, psychological and sexual violence. The survey involved educated and non educated children aged between 8 and 17. It established that 40.6% of violence against children occurred in the family setting, 32.4% within the community, 12.9% in schools, 1.4% in the penal system and 0.2% in alternative care settings. The study is the outcome of a partnership between the Health Ministry of Gabon and UNICEF. http://gabonco.com/show_article.php?IDActu=22741

Ghana: In August 2011, research conducted by the Campaign for Female Education (Camfed) Ghana, a non-governmental organisation advocating for girl child education, revealed that 94% of parents endorsed the use of corporal punishment in schools. The research was conducted in four selected districts in Ghana, including Bongo, Mfanteman, Nanumba South and Chereponi districts, and revealed that parents felt that it was right for a teacher to whip or punish students in school. For more information, please go to: www.camfed.org

Madagascar: The Civil Society Platform for Children in Madagascar and the Law Department of the University of Antananarivo published a study on violence against children living in precarious conditions in Antananarivo. The study involved 100 children aged 4- 17 and highlights different forms of violence in the family including physical and psychological violence as well as neglect and deprivation. It revealed that one cause of the violence is the perception of corporal punishment as a right or a power of parents over the children. The study makes recommendations on preventive measures against violence against children including a better and more protective legal and institutional environment for children. For more information, please contact: pfsce@moov.mg

Senegal: The National Committee of Orientation (CNO) released a series of TV dramas on the issues of violence against children. A specific TV drama on corporal punishment in school depicts the story of a violent teacher who eventually causes injury to one of his pupil. Other TV dramas address the issues of violence against girls, peer violence and sexual abuse. The TV dramas were released in 2010 and were directed by Yamar Mané, in collaboration with the CNO. The TV dramas are used for the CNO's current campaign on violence against children (including corporal punishment) in the school setting. The CNO consists of representatives of Senegalese governmental institutions, civil society organisations and network. In 2010, the CNO was mandated by the government to coordinate the national campaign against violence in primary and secondary education. For more information, please contact, Cheikh Diakhate (email: diakhatecheikh@gmail.com)

Upcoming publication on violence against children:

The African Child Policy Forum is in the process of undertaking a multi country survey on violence against children – including corporal punishment – within the family and community settings in Ethiopia, Rwanda, Uganda and Zambia. ACPF is also undertaking a survey on violence against children living and/or working on the streets in Ethiopia, Kenya, Malawi, Tanzania, Uganda and Zimbabwe. These studies are expected to inform the preparation of the Report on Violence against Children in Africa, to be submitted to the African Committee of Experts on the Rights and Welfare of the Child in 2012. For more information, please contact: lishan@africanchildforum.org

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6 Media watch

Mali: In October 2011, police authorities referred a Koranic teacher to court after he allegedly severely flogged one of his students. The student's back was marked with stripes and wounds caused by the whip. (*Maliweb*, 2 November 2011)

Namibia: "By practicing corporal punishment at school, you are teaching the children that inflicting pain on someone is the right way of retaliating if someone does wrong to you". This statement was made by Loide Shatiwa the Education Deputy Director of Omusati Region in Namibia, after a schoolgirl from Omusati Region attacked a fellow learner with a knife. Loide Shawita added that the ministry was holding workshops countrywide to sensitise teachers on the issue of corporal as "Children only need to be spoken to ... They only need to be handled with care." (*New Era*, 10 October 2011)

Swaziland: Reacting to recommendations on corporal punishment made to Swaziland during the 12th session of the Universal Periodic Review, Sibongile Mazibuko President of the Swaziland Association of Teachers, stated: "It came as a surprise what impact corporal punishment has in

terms of violating children's rights. In fact, we were not aware we are violating children's rights". He added that the recommendations were "an eye-opener" for the prohibition of corporal punishment. According to media reports, during the October 2011 Universal Periodic Review the USA called for Swaziland to prohibit corporal punishment. The call was reportedly supported by other states who raised concerns about Swaziland's slow progress regarding child rights. (*Times of Swaziland*, 11 October 2011)

Tanzania: In the past decade the Tanzanian government has embarked on a countrywide Primary Education Development Programme. Despite the government's efforts to improve the quality of primary education over the years, there has been a growing concern throughout the country as many pupils do not complete primary school. It emerged that beside financial constraints forcing children out of school, corporal punishment is one of the main reasons for school dropout. (*Tanzania Daily news*, 7 November 2011)

Uganda: In an article against corporal punishment of children, a student at Makerere University in Uganda calls on teachers and parents to use dialogue and non violent forms of discipline in their relationship with children. Giving concrete examples of alternative forms of discipline, the author aims to demonstrate that corporal punishment is not a solution for preventing children's bad behaviour. (*The Observer*, 9 November 2011)

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7 Events in the region

West Africa technical workshop on achieving law reform:

A technical workshop on achieving law reform to prohibit all corporal punishment in West African states is to be held in Ouagadougou, Burkina Faso, on 13-17 December, including governmental and civil society representatives from Burkina Faso, Benin, Côte d'Ivoire, the Gambia, Ghana, Guinea, Liberia, Mali, Niger, Senegal and Togo. The objectives are:

- To establish the human rights imperative to prohibit all corporal punishment of children, including in the home
- To increase knowledge about what law reform means and how to achieve it through advocacy
- To share experiences about countries' achievements and ongoing processes to stop corporal punishment through legal reform
- To develop national strategies for law reform which can be communicated clearly and pursued following the workshop in each participating country.

The workshop is organised by Save the Children Sweden and Plan International, in collaboration with the Global Initiative to End All Corporal Punishment of Children. For more information, please contact:

Ngende.Nathalia@plan-international.org; EnyoG@waf.savethechildren.se

Conference on working towards a full prohibition on corporal punishment of children in Mozambique, August 2011

Save the Children Mozambique held a conference on the elimination of corporal punishment of children in Mozambique. The conference followed upon a study on corporal punishment of children in

Mozambique conducted in 2010 by Save the Children Sweden, together with Save the Children Mozambique and their partner Rede Came. Conference participants included members of Save the Children, UNICEF; ANPPCAN and various government representatives. The conference marked another step forward in advocacy against corporal punishment of children in Mozambique. It is hoped that the conference will trigger various submissions to Parliament in law reform processes and alternative reports to treaty bodies. For more information, please contact: ElijaH@saf.savethechildren.se

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8 Can you help?

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 let us know of any research studies on corporal punishment that have been carried out recently or that are being planned (email elinor@endcorporalpunishment.org).

We would also appreciate any **information on laws** prohibiting or authorising corporal punishment in the following countries and settings:

Penal system (sentence of the courts) – Equatorial Guinea

Penal system (disciplinary measure in penal institutions) – Equatorial Guinea, Eritrea, Guinea, Liberia, Libyan Arab Jamahiriya, Sao Tome and Principe

Alternative care settings – Guinea-Bissau, Libyan Arab Jamahiriya.

And if draft legislation is proposed in your country which provides an opportunity to prohibit corporal punishment, or if laws are enacted which achieve this in any setting, please let us know so that we can **keep our information up to date**.

Photographs and illustrations

The Global Initiative is always pleased to receive photographs and other illustrations of campaigns against corporal punishment. Please send them together with caption details and any copyright information to info@endcorporalpunishment.org.

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