

Prohibiting all corporal punishment of children in Africa: an essential step towards fulfilling the 2030 Agenda for Sustainable Development



Global Initiative to
**End All Corporal Punishment
of Children**



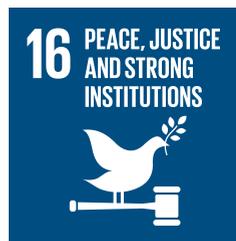
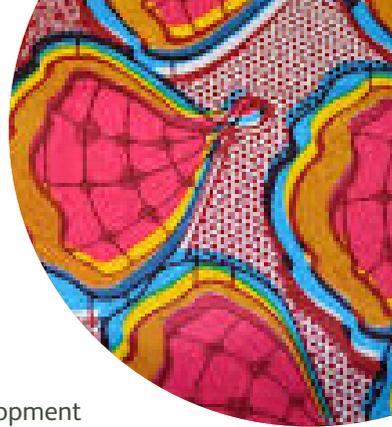
Launched ahead of the Day of the African Child 2017,
commemorated on the theme

The 2030 Agenda for Sustainable Development
for Children in Africa: Accelerating protection,
empowerment and equal opportunity

Corporal punishment & the 2030 Agenda for Sustainable Development

Ending violent punishment – the most common form of violence against children – is fundamental to creating the world envisaged by the 2030 Agenda for Sustainable Development “in which every child grows up free from violence and exploitation”.

SDG 16 – promote peaceful and inclusive societies – highlights the negative impact of violence and instability on economic and social development. As a key strategy in reducing and preventing violence in families and societies, prohibition of all corporal punishment is a critical step towards the achievement of target 16.2 – end all violence against children – and is highly relevant to other targets, including those related to health and wellbeing, and to quality education.



End abuse, exploitation, trafficking and all forms of violence against and torture of children

Target 16.2, 2030 Agenda for Sustainable Development

Indicator 16.2.1 – one of three indicators adopted by the UN Statistical Commission to monitor progress towards target 16.2 – recognises the centrality of prohibiting and eliminating corporal punishment for ending all violence against children: “Percentage of children aged 1-17 who experienced any physical punishment and/or psychological aggression by caregivers in the past month”.



Under Africa's Agenda for Children 2040: Fostering an Africa Fit for Children, adopted at the 28th Ordinary Session of the ACERWC in Banjul in 2016, states have again committed to ensuring "Every child is protected against violence, exploitation, neglect and abuse" including that by 2040, no child is subjected to corporal punishment (aspiration 7).

An ever-growing body of research associates violent punishment in childhood with a variety of negative health and behavioural outcomes (see www.endcorporalpunishment.org for full references). As well as causing physical harm, corporal punishment has been linked to poorer mental health, cognitive development and educational outcomes (including poorer grades and contributing to school drop-out), increased aggression and antisocial behaviour. It can damage family relationships and, far from teaching children how to behave, it teaches children that violence is an acceptable way to resolve conflict. Adults who have experienced corporal punishment in childhood have been found more likely to accept or experience violence, including intimate partner violence (either as a victim or perpetrator), and be involved in other violent and criminal behaviour.

The long-term effects of violence in families and society are felt by all, but disproportionately affect the development of low- and middle-income countries. The economic and social impact of violence can be severe in terms of slowing economic growth, undermining personal and collective security, and impeding social development.

Prohibition of corporal punishment, accompanied by national education and awareness-raising campaigns, has the potential to accelerate protection, empowerment and equal opportunity for children by significantly reducing the use of corporal punishment, breaking the intergenerational cycle and reducing the long-term negative impact on children, families and society.

Call to action!

In light of the theme of the Day of the African Child 2017, the Global Initiative calls on African governments to:

- *Fulfil their obligation under international and regional human rights law by enacting legislation to prohibit all corporal punishment of children, including in the home, as a matter of urgency, and ensuring its effective implementation in the best interests of the child*
- *Develop and implement national campaigns and educational measures for parents, teachers and others on children's right to protection from corporal punishment, the negative impact of its use and the benefits of alternative, positive forms of childrearing and education*

Immediate opportunities for law reform exist in around 43 states across Africa as laws relevant to children and families are being reviewed and revised. Some states have acknowledged the need for law reform to prohibit corporal punishment in all settings including in the home, some are actively considering draft legislation which would achieve this, and some are considering prohibiting corporal punishment in settings outside the home.

Where progress is not being made, stronger advocacy is needed, including legal advocacy - constitutional challenges to corporal punishment and direct application of the Convention on the Rights of the Child and other relevant instruments in national courts. There are many examples of national high level court judgments which have led to law reform in Africa. Recourse can also be made to African and international complaints/communications mechanisms, where a state has accepted these.

Creating an Africa fit for children cannot be achieved in an environment where some of our laws and practices condone violence against children

Benyam Dawit Mezmur, Chairperson African Committee of Experts on the Rights and Welfare of the Child, Chairperson UN Committee on the Rights of the Child

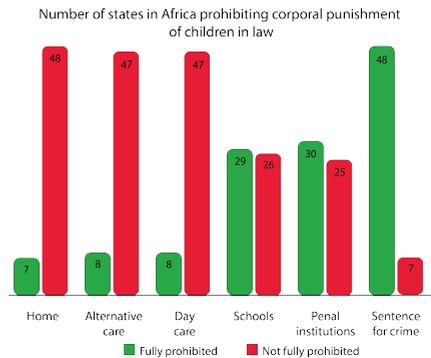
The African Committee of Experts on the Rights and Welfare of the Child has to date made recommendations/observations on corporal punishment to 18 states: Burkina Faso, Egypt, Eritrea, Ethiopia, Gabon, Ghana, Guinea, Kenya, Lesotho, Liberia, Madagascar, Mozambique, Namibia, Nigeria, Rwanda, South Africa, Sudan, Zimbabwe

The notions deeply rooted in the social and cultural norms and traditions which accept, tolerate and indeed encourage violence, including ... the acceptance of corporal punishment and other harmful traditional practices should be publicly condemned and eliminated.

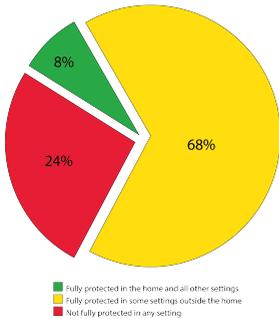
African Committee of Experts on the Rights and Welfare of the Child, Statement on Violence Against Children (2011)

Progress

Globally, progress towards prohibition of all corporal punishment is accelerating. In June 2017, 52 states have prohibited corporal punishment in all settings, including the home, and a further 54 states have clearly committed to doing so.



Percentage of African child population fully protect in law from corporal punishment

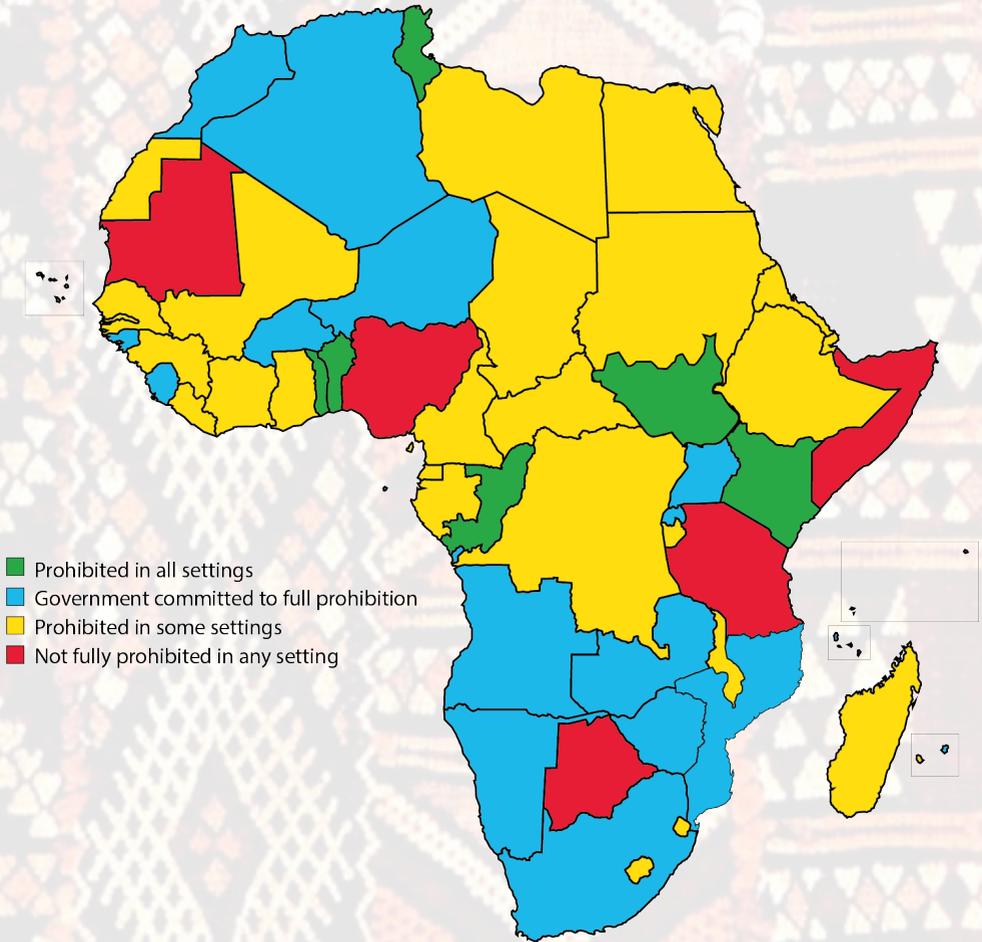


In Africa, progress towards law reform has been accelerating as in other regions. Prohibition has been enacted in all settings, including the home, in seven states, in alternative care and day care in eight states, in all schools in 27 states, in penal institutions in 30, and corporal punishment is unlawful as a sentence of the courts in 48 African states.

But the pace of reform is still slow. Too many governments claim to support ending all forms of violence against children while failing to prohibit violence disguised as discipline or punishment. Some governments claim to have prohibited corporal punishment but scrutiny of the laws shows otherwise. Only 8% of children in Africa live in countries where they are protected in law from punitive assault by adults; globally, just 10% of children enjoy this protection.



Prohibition of corporal punishment in Africa



18 African states have expressed commitment to prohibition in all settings: Algeria, Angola, Burkina Faso, Comoros, Guinea-Bissau, Mauritius, Morocco, Mozambique, Namibia, Niger, Rwanda, Sao Tome and Principe, Seychelles, Sierra Leone, South Africa, Uganda, Zambia, Zimbabwe

7 African states have achieved prohibition in all settings: Benin, Cabo Verde, Republic of Congo, Kenya, South Sudan, Togo, Tunisia

Delay

The worst offenders

Despite the clear human rights imperative to enact legislation explicitly prohibiting all corporal punishment of children, some individual governments resist reform, ignoring repeated recommendations by treaty bodies, rejecting recommendations to prohibit made during the Universal Periodic Review, or even openly defending the legality and use of corporal punishment.

13 states have received **at least three recommendations** on corporal punishment from the UN Committee on the Rights of the Child, but have not yet achieved prohibition in all settings: Algeria, Democratic Republic of Congo, Eritrea, Ethiopia, Ghana, Malawi, Mauritius, Morocco, Nigeria, Senegal, Sierra Leone, Sudan, United Republic of Tanzania

6 states have not fully prohibited corporal punishment **in any setting:** Botswana, Mauritania, Nigeria, Somalia, United Republic of Tanzania, Zimbabwe
24% of Africa's children live in these states

9 states have **rejected recommendations** to prohibit corporal punishment made during the Universal Periodic Review(s) of their overall human rights record: Botswana, Burkina Faso*, Cameroon, Chad, Eritrea, Ethiopia, Sudan, Swaziland, United Republic of Tanzania
**But draft legislation which would achieve prohibition is under consideration*

States defending corporal punishment in the Universal Periodic Review (extracts from the reports of the Working Group):

"The Government ... has no plans to eliminate corporal punishment, contending that it is a legitimate and acceptable form of punishment, as informed by the norms of the society. It is administered within the strict parameters of legislation in the frame of the Customary Courts Act, the Penal Code and the Education Act."

(Botswana)

"The Education Act and its Regulations prescribe a strict framework within which [caning] is to be administered in schools. Therefore caning of miscreant students in schools is viewed as a legitimate and acceptable form of punishment in Tanzania. It was not the intention of the law makers that it should be violent, abusive and/or degrading as recommended or envisaged."

(United Republic of Tanzania)



The reality behind the statistics

A large and ever-growing body of research reveals the appalling levels of punitive violence experienced by children in Africa (see www.endcorporalpunishment.org for full references):

UNICEF data from 62 countries (23 in Africa) published in 2014 found 80 % of 2-14 year olds worldwide experienced physical punishment and/or psychological aggression at home in the month prior to the survey. Across West and Central Africa, the figure was 90 %; in all of the countries with available data in both sub-Saharan Africa and North Africa, it was over 70 %. The highest levels of severe physical punishment (hitting the child on the head, ears or face or hitting the child hard and repeatedly) were concentrated in sub-Saharan Africa and the Middle East and North Africa – more than a quarter of children in most of these countries were severely physically

punished in the last month (compared to 17 % globally).

School corporal punishment remains widespread in many states in Africa. A study in Botswana found 92 % of students had been beaten at school. Research has found corporal punishment used in 70 % of schools in the Gambia, and 79 % of Ugandan children said they felt unsafe or scared because of beatings at school. Longitudinal research in Ethiopia recently found 38 % of 8 year olds had been physically punished by a teacher in the past week; 76 % had seen other children being physically punished.

We know more than enough to demand urgent action in Africa. Children cannot wait for the fulfilment of their right to protection from all violence. In order to accelerate protection, empowerment and equal opportunity of children in Africa, and reach the goals outlined in the 2030 Agenda for Sustainable Development and the 2040 African Agenda for Children, prohibition and elimination of all corporal punishment is needed now!

The Africa Project of the Global Initiative to End All Corporal Punishment of Children aims 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 home, schools and all other settings. The project produces regional resources including a regular African Newsletter, available online in English and French at www.endcorporalpunishment.org. For more information, please contact Sonia Vohito, Africa Project Coordinator: vohito@endcorporalpunishment.org.