

Progress towards prohibiting all corporal punishment of children in North Africa

Why prohibit corporal punishment?

Everyone has a **right to protection in law** from being hit and hurt, regardless of the circumstances. Children – the smallest and most vulnerable members of society – particularly struggle to enjoy this right. In many societies, the belief that physical and other humiliating punishment of children is a necessary part of “discipline” or “education” is widely held. It is often deeply embedded in culture, tradition and religion, and some religious groups misuse their religious teachings and texts to justify its use. But children are **human beings in their own right** and due the protection of their human rights in the same way as adults are. Growing numbers of religious communities and leaders support that view and emphasise that corporal punishment is incompatible with the universal and religious principles of respect for the dignity of the child, compassion, kindness, equality, peace and justice.

Prohibition is also critical in fulfilling children’s rights to **health, development and education**. Experience of corporal punishment has been linked to poorer mental health and educational outcomes (including poorer grades and contributing to school drop-out), increased aggression and antisocial behaviour, and an increased risk of experiencing or perpetrating intimate partner violence in adulthood. It can damage family relationships and, far from teaching children how to behave well, it teaches children that violence is an acceptable way to resolve conflict.

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;
MEMBER AND FORMER CHAIRPERSON, UN
COMMITTEE ON THE RIGHTS OF THE CHILD**

As a key strategy in reducing and preventing violence in families and societies, prohibition of all corporal punishment is a critical step in working towards the global 2030 Sustainable Development Agenda, particularly the achievement of target 16.2 – end all violence against children – and targets related to health and wellbeing, and to quality education. One of the indicators adopted by the UN Statistical Commission to monitor progress towards target 16.2 recognises the centrality of 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” (indicator 16.2.1).



Under **Africa's Agenda for Children 2040: Fostering an Africa Fit for Children**, adopted at the 28th Ordinary Session of the African Committee of Experts on the Rights and Welfare of the Child in Banjul in 2016, states have 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).

The **African Committee of Experts on the Rights and Welfare of the Child** and other human rights bodies have made it very clear that all corporal punishment of children must be prohibited and eliminated, including within the family.

The Committee increasingly examines states on their progress towards prohibiting and eliminating corporal punishment and has to date made recommendations to prohibit to Egypt and Sudan (see table) as well as 16 other African states.

Extracts from recommendations of the African Committee of Experts on the Rights and Welfare of the Child to prohibit all corporal punishment

STATE		RECOMMENDATION
EGYPT	November 2009, Concluding observations on initial report, recommendation 10	“Corporal punishment. The Committee notes that there is some resistance to put[ting] an end [to] this practice and recommend[s] the State party to take the necessary measures to abolish the practice.”
SUDAN	December 2014, Concluding observations on initial report, para. 23	“The Committee... recommends that the State Party ban corporal punishment in all settings; undertake measures to effectively punish the authors of violence against children; introduce non-violent disciplining mechanisms in schools and sensitize the society about positive parenting.”

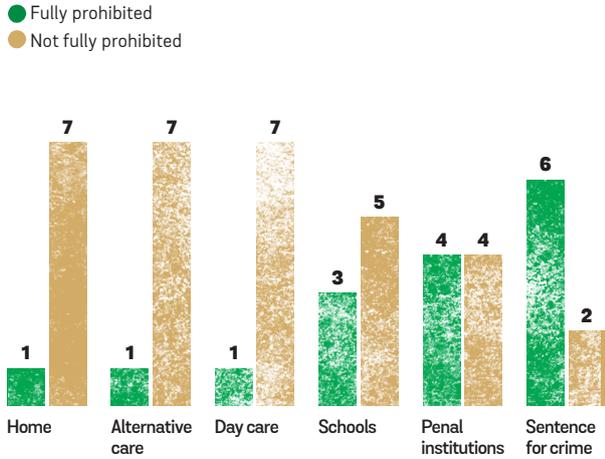
Progress towards prohibition

Globally, progress towards prohibition of all corporal punishment is accelerating: **53** states have now prohibited corporal punishment in all settings, including the home, and a further **55** states have committed to doing so. In North Africa, one state (Tunisia) has achieved prohibition in all settings and two more states (Algeria and Morocco) are publicly committed to a complete legal ban.

Corporal punishment is now also prohibited in all schools in two North African states (Algeria and Libya) and in penal institutions in three states (Egypt, Morocco and Western Sahara). Despite this progress however, the law in seven North African states fails to fully protect children from corporal punishment in day care and alternative care settings, and in two states (Libya and Mauritania) children convicted of a criminal offence can still be subjected to corporal punishment.



Number of states in North Africa prohibiting corporal punishment of children in law

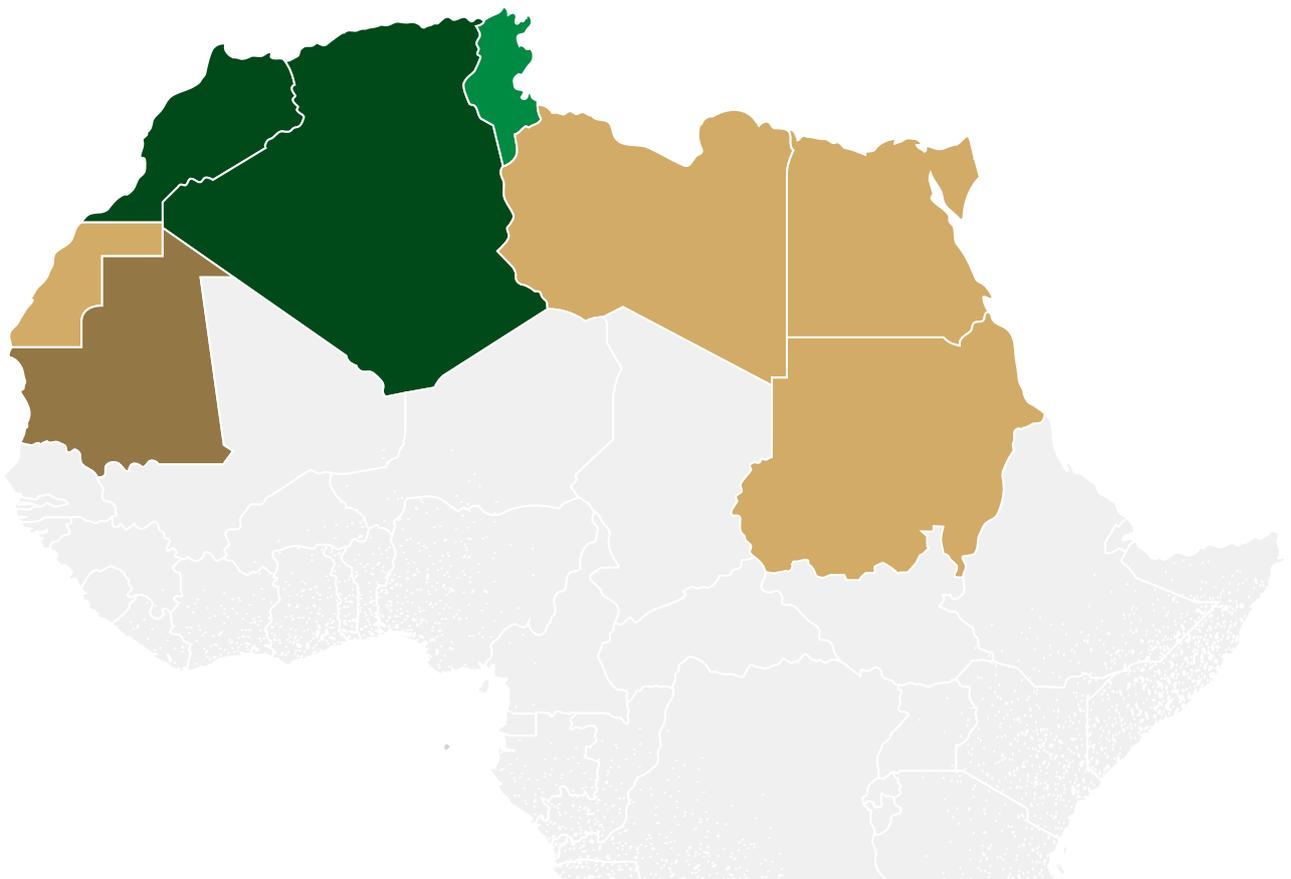


All corporal punishment conveys the harmful and dangerous message that force makes the Law, so that it is permissible to harm someone if they are smaller and less powerful. Corporal punishment prevents the child from learning how to resolve conflict effectively and humanely. Could this be one of the causes which prevents the resolution of the numerous conflicts on our continent?

**FATIMA ZOHRA SEBAA DELLADJ,
MEMBER OF THE AFRICAN
COMMITTEE OF EXPERTS ON
THE RIGHTS AND WELFARE OF
THE CHILD, 2010–15; PRESIDENT
OF THE NATIONAL COUNCIL FOR
FAMILY AND WOMEN, ALGERIA**

Prohibition of corporal punishment in North Africa

- Prohibited in all settings
- Government committed to full prohibition
- Prohibited in some settings
- Not fully prohibited in any setting



Opportunities for achieving prohibition in North Africa

The deeply held view that some degree of violent punishment is necessary or even a duty in childrearing means it is not perceived as an abusive or violent act unless it reaches some level of severity. Law reform to prohibit corporal punishment is achieved when **all legal defences** for its use (allowing “moderate” correction, “reasonable” punishment or similar) are **explicitly repealed** or amended and legislation sends **a clear message** that corporal punishment, whatever level of severity and regardless of perceived impact in terms of “injury” or “harm”, is prohibited in all settings, including the home.

The table opposite summarises the progress made in each North African state and what remains to be done to achieve prohibition, and identifies immediate opportunities for introducing prohibiting legislation. We welcome information on opportunities for action, as well as comments and updates. Email: info@endcorporalpunishment.org

The most common form of violence against children

Corporal punishment is the most common form of violence experienced by children worldwide. UNICEF data from 62 countries published in 2014 found 80% of 2–14 year olds worldwide experienced some form of violent “discipline” (physical punishment and/or psychological aggression) at home in the month prior to the survey. In North Africa, this figure is between 64% (Sudan) and 93% (Tunisia and Egypt). The levels of severe physical punishment (hitting the child on the head, ears or face or hitting the child hard and repeatedly) in North Africa are among the highest, averaging over a quarter of children (and up to 43% in Egypt) compared to 17% globally. For more information and full references, visit www.endcorporalpunishment.org.

Take action!

Moving swiftly from discussion to action is key. The introduction or review of relevant laws (e.g. on children, domestic violence, juvenile justice, education) creates **opportunities to prohibit** which should not be missed. National attention to corporal punishment (e.g. through government consultations, new research, media reports, etc) can be used to **highlight proposals for law reform**. Remember, it is not necessary to consult on the issue, nor is it justifiable to wait for public attitudes to change – children have an immediate right to protection!

The ultimate goal is to **transform attitudes and behaviour** so that physical and other forms of punishment are no longer seen as acceptable in childrearing and education. Prohibition in law must therefore be accompanied by appropriate measures to **raise awareness** of the law and **promote positive, non-violent forms of discipline**. Proven to be effective in changing attitudes and social norms around physical punishment in childrearing, this two-pronged approach is the only way to fulfil children’s right to protection in law and practice. For more information on implementing legal prohibition in the best interests of children, contact info@endcorporalpunishment.org.

There is no right for individuals, and particularly the government of a country to apply physical violence to individuals for offences. Such a right would be tantamount to sanctioning state sponsored torture under the Charter [on Human and People’s Rights] and contrary to the very nature of this human rights treaty.

AFRICAN COMMISSION ON HUMAN AND PEOPLE’S RIGHTS, (2003), CURTIS FRANCIS DOEBBER V SUDAN, 236/2000, 33RD ORDINARY SESSION, NIGER



States committed to prohibition of all corporal punishment

STATE	CORPORAL PUNISHMENT NOT FULLY PROHIBITED	OPPORTUNITIES FOR LAW REFORM AND PROGRESS TOWARDS PROHIBITION	IMMEDIATE ACTION REQUIRED TO ACHIEVE FULL PROHIBITION
ALGERIA	Home, alternative care, day care, penal institutions	Criminal Code, Criminal Procedure Code and Code on the organisation of penal institutions under review; in 2012 the Government accepted UPR recommendations to prohibit and in 2017 it partially accepted a similar recommendation, “noting” the part of the recommendation stating “in all settings”	Draft and introduce legislation explicitly prohibiting all corporal punishment
MOROCCO	Home, alternative care, day care, schools	Code of Criminal Procedure and Criminal Code being revised; Bill on combatting violence against women being discussed; Government accepted UPR recommendations to prohibit in 2012 and 2017	Draft and introduce legislation explicitly prohibiting all corporal punishment

States without a clear commitment to law reform

EGYPT	Home, alternative care, day care, schools	No known current opportunities or proposals for prohibition	Draft and introduce legislation explicitly prohibiting all corporal punishment and repealing all legislation defending or authorising its use in childrearing
LIBYA	Home, alternative care, day care, penal system	Draft Juvenile Justice Law under discussion, new Constitution being drafted and laws allowing flogging under review; no known proposals to prohibit corporal punishment; Government rejected 2015 UPR recommendation to prohibit	Draft and introduce legislation explicitly prohibiting all corporal punishment and repealing all legislation defending or authorising its use in childrearing and as a sentence for a crime
MAURITANIA	Home, alternative care, day care, schools, penal system	Government did not accept 2010 UPR recommendations to prohibit, but reported it would include prohibition in the Draft Child Protection Code under discussion	Enact the Child Protection Code to fully prohibit all corporal punishment
SUDAN	Home, alternative care, day care, schools, penal institutions	Permanent Constitution being drafted; Rules under the Child Act 2010 being drafted; state child bills under discussion in Blue Nile, North Darfur and Gezira; Government rejected 2016 UPR recommendations to prohibit	Draft and introduce legislation explicitly prohibiting all corporal punishment and repealing all legislation defending or authorising its use in childrearing and as a sentence for a crime
WESTERN SAHARA	Home, alternative care, day care, schools, penal system	No known current opportunities or proposals for prohibition	Draft and introduce legislation explicitly prohibiting all corporal punishment



Global Initiative to
End All Corporal Punishment
of Children

The **Global Initiative to End All Corporal Punishment of Children** works with governments and others towards universal prohibition and elimination of corporal punishment.

www.endcorporalpunishment.org



Save the Children

Save the Children is committed to ending all forms of violence against children including physical and humiliating punishment, and works for its universal prohibition and elimination.

www.savethechildren.net