

Progress towards prohibiting all corporal punishment of children in West and Central Africa

Why prohibit corporal punishment?

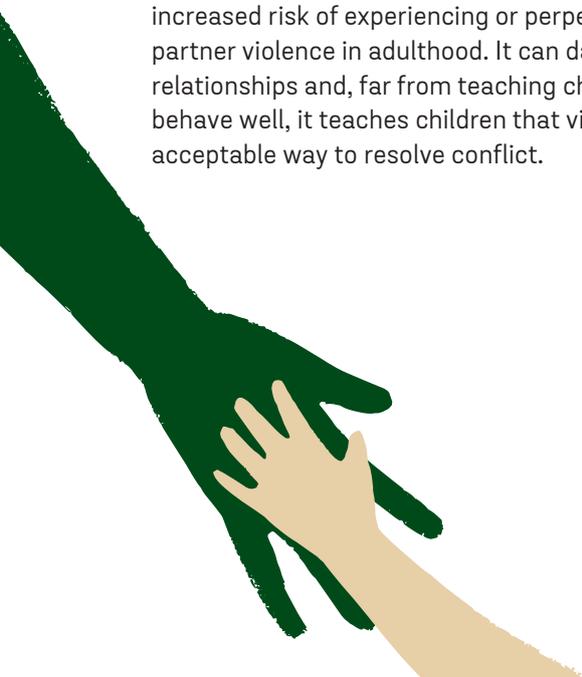
Everyone has a **right to protection in law** from being hit and hurt, regardless of the circumstances. Children – the smallest and most vulnerable members of society – particularly struggle to enjoy this right. In many societies, the belief that physical and other humiliating punishment of children 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 five West and Central African states (see table). The issue has also been raised in UN treaty body examinations of every state in the region, except Côte d'Ivoire, and most states have received recommendations to prohibit corporal punishment during the Universal Periodic Review of their overall human rights records.

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

STATE		RECOMMENDATION
BURKINA FASO	Concluding observations on initial report (2010)	“The Committee notes that there is still some resistance to abandoning corporal punishment and recommends that the State Party strengthen the measures taken to eradicate this phenomenon, especially in educational settings.” (unofficial translation)
GABON	Concluding observations on initial report (2015), para. 26	“...it is noted that violence and abuse against children is predominant within the family. Therefore, the Committee recommends the State Party to ban corporal punishment in all settings...”
GHANA	Concluding observations on initial report (2016), para. 16	“The Committee ... recommends [to] the State Party [that]: ... – Laws prohibiting corporal punishment are applied strictly and positive alternatives of punishment should be developed together with campaigns on them for parents and teachers.”
GUINEA	Concluding observations on initial report (2014), para. 23	“The Committee encourages the State Party to explicitly ban corporal punishment in all settings and to adopt a positive discipline as an alternative. The Committee suggests awareness raising, training and sensitisation of parents, youth, communities and those working with children as well as the proper monitoring of schools and day-cares to ensure that children are free from any kind of abuse and torture.”
LIBERIA	Concluding observations on initial report (2014), pp. 5–6	“...corporal punishment remains legal and common practice in schools, homes and in alternative care settings... Thus the Committee recommends the State Party to ensure that corporal punishment is expressly prohibited by law and adequate mechanisms be put in place to monitor and enforce the law. It recommends the State to strengthen its enforcement institutions to be able to promote prevention of corporal punishment and domestic violence and more importantly to be able to effectively investigate and prosecute violence against children...”

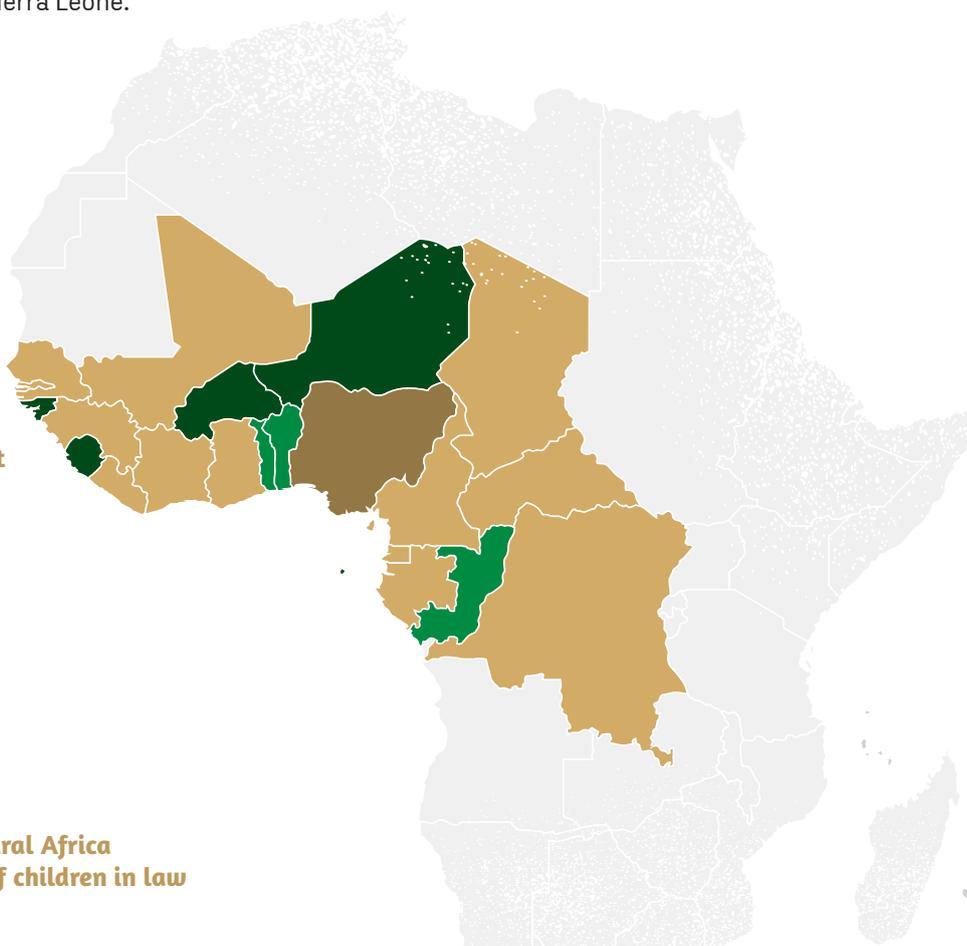
Progress towards prohibition

Globally, progress towards prohibition is accelerating: 53 countries have prohibited all corporal punishment, including in the home, and a further 54 states are committed to achieving a complete legal ban. In West and Central Africa, four states – Benin, Cabo Verde, Republic of Congo and Togo – have achieved prohibition in all settings including the home, and another five states are publicly committed to enacting prohibiting legislation: Burkina Faso, Guinea-Bissau, Niger, São Tomé and Príncipe and Sierra Leone.

Progress towards prohibition in settings outside the home is also gaining pace in West and Central Africa: corporal punishment is now prohibited in all schools in 11 states, in penal institutions in 15 states and as a sentence for crime in 22 states. Nevertheless, the law in only four West and Central African states fully protects children from corporal punishment in day care and alternative care settings, and in one state – Nigeria – children convicted of a criminal offence can still be subjected to corporal punishment.

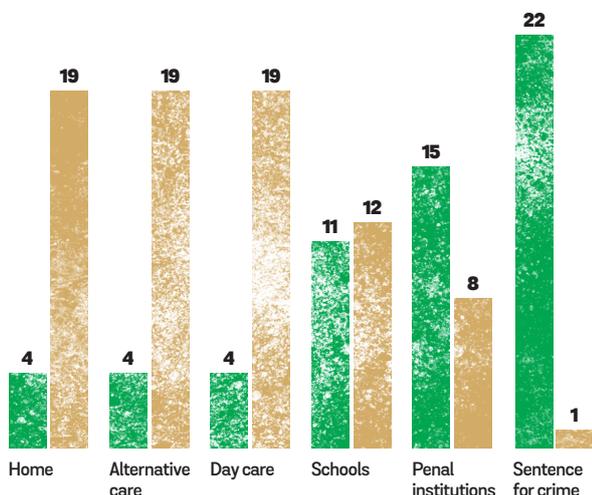
Prohibition of corporal punishment in West and Central Africa

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



Number of states in West and Central Africa prohibiting corporal punishment of children in law

- Fully prohibited
- Not fully prohibited



The full and harmonious development of the child implies the prohibition and elimination of all forms of violence against children, including corporal punishment.

AISSATOU SIDIKOU, MEMBER AND FORMER CHAIRPERSON, AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD

Opportunities for achieving prohibition in West and Central 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.

This table summarises the progress made in each West and Central 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

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
BURKINA FASO	Home, alternative care, day care, schools	Draft Child Protection Code under discussion includes full prohibition in article 220	Enact the Child Protection Code, including article 220
GUINEA-BISSAU	Home, alternative care, day care	Government stated its intention to introduce prohibiting legislation in 2013 and accepted 2015 UPR recommendation to prohibit; drafting of a comprehensive Code on Protection of Children planned	Draft and introduce legislation explicitly prohibiting all corporal punishment and repealing all legislation defending or authorising its use
NIGER	Home, alternative care, day care, schools, penal institutions	Draft Children’s Code under discussion includes prohibition; Family Code being drafted; Government accepted 2011 UPR recommendation to eradicate corporal punishment in education	Enact the Children’s Code, including articles 254 and 453
SÃO TOMÉ AND PRÍNCIPE	Home, alternative care, day care	Government accepted 2011 and 2015 UPR recommendations to prohibit; Family Law being revised; Juvenile Justice Law and Civil Code under review	Draft and introduce legislation explicitly prohibiting all corporal punishment and repealing all legislation defending or authorising its use
SIERRA LEONE	Home, alternative care, day care, schools	Government accepted a 2016 UPR recommendation to prohibit; Constitution under review	Draft and introduce legislation explicitly prohibiting all corporal punishment and repealing all legislation defending or authorising its use

States without a clear commitment to law reform

STATE	CORPORAL PUNISHMENT NOT FULLY PROHIBITED	OPPORTUNITIES FOR LAW REFORM AND PROGRESS TOWARDS PROHIBITION	IMMEDIATE ACTION REQUIRED TO ACHIEVE FULL PROHIBITION
CAMEROON	Home, alternative care, day care	Draft Code of the Person and the Family under discussion; Civil Code under review; Government rejected 2013 UPR recommendation to prohibit	Draft and introduce legislation explicitly prohibiting all corporal punishment and repealing all legislation defending or authorising its use
CENTRAL AFRICAN REPUBLIC	Home, alternative care, day care, schools, penal institutions	Draft Family Code reportedly includes prohibition; draft Child Protection Code under discussion; Criminal Code being revised	Enact the Family Code, including explicit prohibition of corporal punishment
CHAD	Home, alternative care, day care	Government rejected 2013 UPR recommendation to prohibit but the draft Child Protection Code under discussion includes prohibition in article 167	Enact the Child Protection Code, including article 167
CÔTE D'IVOIRE	Home, alternative care, day care, schools	Personal and Family Code being revised; Criminal Code being revised	Draft and introduce legislation explicitly prohibiting all corporal punishment
DEMOCRATIC REPUBLIC OF CONGO	Home, alternative care, day care, penal institutions	No known opportunities or proposals for prohibition	Draft and introduce legislation explicitly prohibiting all corporal punishment and repealing all legislation defending or authorising its use
EQUATORIAL GUINEA	Home, alternative care, day care, schools, penal institutions	Law on children being drafted; draft Family Code and draft Law on Gender Violence under discussion; Criminal and Civil Codes under review; Government accepted 2014 recommendation to eradicate corporal punishment	Draft and introduce legislation explicitly prohibiting all corporal punishment and repealing all legislation defending or authorising its use
GABON	Home, alternative care, day care	Draft Children's Code prohibits violence but does not explicitly prohibit corporal punishment; Family Code being drafted	Draft and introduce legislation explicitly prohibiting all corporal punishment
GAMBIA	Home, alternative care, day care, schools, penal institutions	Government reported prohibition could be discussed during review of the Children's Act, but the amendments under discussion do not currently include prohibition; Disability Bill under consideration	Draft and introduce legislation explicitly prohibiting all corporal punishment and repealing all legislation defending or authorising its use
GHANA	Home, alternative care, day care, schools, penal institutions	Constitution under review; Children's Act and the Juvenile Justice Act being amended; Government accepted 2012 UPR recommendations to prohibit	Draft and introduce legislation explicitly prohibiting all corporal punishment and repealing all legislation defending or authorising its use

GUINEA	Home, alternative care, day care, schools, penal institutions	Draft Revised Civil Code under discussion; Criminal Code under review	Draft and introduce legislation explicitly prohibiting all corporal punishment and repealing all legislation defending or authorising its use
LIBERIA	Home, alternative care, day care, schools	Constitution under review; Domestic Violence Bill under discussion; Government “noted” 2015 UPR recommendation to prohibit as “aspirational”	Draft and introduce legislation explicitly prohibiting all corporal punishment and repealing all legislation defending or authorising its use
MALI	Home, alternative care, day care	No known opportunities or proposals for prohibition; Government accepted 2008 UPR recommendation to combat corporal punishment	Draft and introduce legislation explicitly prohibiting all corporal punishment and repealing all legislation defending or authorising its use
NIGERIA	Home, alternative care, day care, schools, penal system	Domestic Violence Bill under discussion; Children and Young Persons’ Law, Penal Code, Criminal Procedure Code and Shari’a Penal Code under review	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
SENEGAL	Home, alternative care, day care, schools	Draft Children’s Code aims to prohibit but does not remove the “right of correction” in the Family Code; Juvenile Justice law, Family Code and Penal Code under revision; Government accepted 2009 and 2013 UPR recommendations to combat corporal punishment	Amend and enact the Children’s Code to repeal the “right of correction” and prohibit all corporal punishment

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. Among the West and Central African states with available data, this figure averages 85% (ranging from 73% in Mali to 94% in Ghana) with 68% of children on average experiencing physical punishment. The levels of severe physical punishment (hitting the child on the head, ears or face or hitting the child hard and repeatedly) in West and Central Africa are also particularly high, averaging almost a quarter of children (and up to 37% in Central African Republic and Democratic Republic of Congo) compared to 17% globally. For more information and full references, visit www.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

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**.





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