Prohibiting corporal punishment of children in West and Central Africa

PROGRESS REPORT 2014

Following up the UN Secretary General’s Study on Violence against Children

“The dignity of each and every individual is the fundamental guiding principle of international human rights law.”

Committee on the Rights of the Child, General Comment No. 8, 2006
The aims of the Global Initiative – promoting the prohibition and elimination of all corporal punishment of children – are supported by many international and national organisations, including these in Africa and West and Central Africa:

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Allied Care for Human Development Initiative, Nigeria
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Association Burkinabé pour la Survie de l’Enfant (ABSE)
Association de Lutte Centre le Travail des Enfants – ALTEN, Niger
Association for Orphans and Vulnerable Children in Nigeria (AONN)
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Ghana Child Welfare Association
Ghana Media Advocacy Programme
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Ong Autre Vie: Organisation pour la Promotion et la Protection des Droits de l’Enfant, des Jeunes et de la Famille, Benin
Policy Research (PR), Nigeria
Réseau Nigérien pour l’Enfance (RENE), Niger
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Young Ones Outreach Development Initiative, Nigeria
Youths for Equality, Cameroon

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For a complete list of organisation and prominent individual supporters, see www.endcorporalpunishment.org

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"The Committee defines ‘corporal’ or ‘physical’ punishment as any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting (smacking, spanking) and then striking (beating) children, with the hand or with an implement – a whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, biting, pulling hair or boxings ears, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion (for example, washing children’s mouths out with soap or forcing them to swallow hot spices). In the view of the Committee, corporal punishment is invariably degrading. In addition, there are other non-physical forms of punishment that are also cruel and degrading and thus incompatible with the Convention. These include, for example, punishment which belittles, humilates, denigrates, scapegoats, threatens, scares or ridicules the child..."

* (Committee on the Rights of the Child, General Comment No. 8, 2006)
Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. Corporal punishment, which is sometimes condoned by religious or cultural practices, could also constitute a breach of Article 21 of the African Charter on the Rights and Welfare of the Child (ACRWC/Charter) which obliges States Parties to take "all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child…".

The Charter, which currently enjoys the ratification of 47 African Union Member States, plays a pivotal role in protecting children against violence, including all corporal punishment. It requires states to ensure that discipline by parents, at school and in all other settings respects the child’s human dignity; that children are protected from all forms of torture and inhuman or degrading treatment by parents and others caring for the child, and that children in detention are not subjected to torture or inhuman or degrading treatment or punishment.

The African Committee of Experts on the Rights and Welfare of the Child (ACERWC/African Committee), the treaty body established under the Charter to monitor its implementation, recognises the need to protect children from all forms of violence, including all corporal punishment. It therefore raises the issue of corporal punishment of children during its review of state party reports as well as during visits to follow up on the implementation of concluding observations.

In Africa, to date only six states have prohibited corporal punishment of children in all settings, including in the home; among the West and Central African states covered in this report, only Togo, Cabo Verde and the Republic of Congo have fully prohibited corporal punishment.

But encouragingly we know that other states in these regions are publicly committed to a complete ban and in some cases have prepared the necessary draft legislation. We look forward to the enactment of such laws. In the context of the African Committee’s campaign for the Universal Ratification of and Reporting on the ACRWC to mark the 25th anniversary of the adoption of the Charter in 2015, I wish to urge the remaining seven African Union Member States to ratify the Charter, and all State Parties to the Charter to regularly report to the ACERWC on their implementation of the Charter.

As the current Chairperson of the African Committee, I will do my utmost to encourage States Parties to adopt progressive laws which explicitly ban all forms of legalised violence against children. Creating an Africa fit for children cannot be achieved in an environment where some of our laws and practices condone violence against children.
1 Global and regional progress

All over the world, states and territories are passing laws to protect children from corporal punishment wherever they are, including in their family homes. Since 2006 – when the Independent Expert leading the UN Secretary General’s Study on Violence against Children recommended prohibition of corporal punishment in all settings in all states as a matter of priority – the number of states which have achieved the necessary law reform has more than doubled: there are now 41 states across all regions which prohibit corporal punishment in all settings, including the home. In 2007, Togo became the first African state and the first state in West Africa to achieve prohibition in all settings; five of the 12 most recent states to achieve law reform have been in Africa – Tunisia (2010), Kenya (2010), Republic of Congo (2010), South Sudan (2011) and Cabo Verde (2013). But still only 9.1% of the world’s children – 8.3% of Africa’s children – live in countries where they are legally protected from punitive assault by adults.

Progress is also being made in prohibiting corporal punishment in settings outside the home – in alternative care settings, day care, schools and penal systems. As at October 2014, 122 states worldwide have prohibited corporal punishment in all their schools, including public and private schools, primary and secondary; this includes 25 of Africa’s 55 states, 11 in West and Central Africa. As a disciplinary measure in penal institutions, corporal punishment is unlawful in 131 states worldwide, 28 in Africa, 13 in West and Central Africa. Corporal punishment as a sentence of the courts is unlawful in 160 states globally and in nearly all African and West and Central African states. But relatively few states have achieved prohibition in all alternative care settings and day care for children – 47 worldwide, seven in Africa, just three in West and Central Africa.

A statistical assessment of progress

West and Central Africa is home to nearly 237 million children. Of these:

- 96.5% live in states where they are not legally protected from corporal punishment in the home;
- 96.5% live where they are not legally protected from corporal punishment in all forms of alternative care and day care;
- 69.1% live where corporal punishment has not been prohibited in all schools;
- 74.5% live where prohibition has not been achieved in penal institutions;
- 36.8% live where corporal punishment has not been prohibited as a sentence for crime in all circumstances.

This alarming lack of protection for the majority of children in the region in part reflects the large child population in some countries in the region. But it also reveals the urgent reforms needed to ensure that West and Central African children’s right to live their lives free from corporal punishment is confirmed in legislation. This requires action by national governments and parliaments, of which:

- 23 (88.5%) have yet to prohibit corporal punishment in the home;
- 23 (88.5%) have not yet prohibited corporal punishment in all forms of alternative care and day care;
- 15 (57.7%) have yet to prohibit corporal punishment in all their schools;
- 13 (50%) have yet to prohibit corporal punishment as a disciplinary measure in penal institutions;
- two (7.7%) have not yet completely outlawed corporal punishment as a sentence of the courts.

Note: The analysis is based on child population figures from UNICEF (2012) and the Global Initiative’s information on the legality of corporal punishment as in the table on pages 21 and 22 of this report.
2 Immediate opportunities for law reform

“Children are sick of being called ‘the future’; they want to enjoy their childhood, free of violence, now.”

(Paulo Sérgio Pinheiro, Independent Expert who led the UN Secretary General’s Study on Violence against Children)

The urgent message of this report is that almost all West and Central African states have immediate opportunities to fulfil their human rights obligations by using current processes of constitutional reform and harmonisation of laws with human rights standards to prohibit all corporal punishment of children in all settings of their lives, including the home and family. In most states laws are being drafted and/or bills are before parliaments in which explicit prohibition could be included; in many states Children’s Codes are under discussion to consolidate legislation relating to children and to ensure that the law complies with the UN Convention on the Rights of the Child. It will be tragic for the children of West and Central Africa if these opportunities to prohibit corporal punishment are missed: immediate advocacy is needed to ensure that governments and parliaments adopt the necessary reforms.

The table opposite outlines current law reforms in states across the region; further details are included in the individual country reports on pages 23 to 56. What exactly needs to be reformed to achieve prohibition is described in section 4 of this report (page 12), and some of the many resources that have been developed to support advocacy for law reform are listed in section 11 (page 57).

Law reform is rarely easy. Achieving equal protection for children – so that they are legally protected from assault just as adults are – can be a struggle: it challenges deep rooted negative attitudes towards children as somehow not fully human and as needing to experience pain in order to learn and become acceptable members of society, as well as the notion that corporal punishment is acceptable and even a duty in childrearing – views sometimes reflected in religious beliefs. Over the years, these beliefs have become enshrined in written legislation and case law condoning the use of corporal punishment. At the same time, laws have been enacted protecting children from cruelty and abuse.

This situation is all the more reason to tackle the issue urgently. Choosing inaction over action reinforces a perception of children as second class citizens, whose fundamental rights can be ignored or evaded with impunity. And every delay exposes more and more children to the risk of being hurt, of having their human dignity violated, and of growing up to believe that violence is acceptable.

Action is needed NOW to use legislative opportunities across West and Central Africa to prohibit all corporal punishment of children

Opportunities for enacting prohibition of corporal punishment in West and Central Africa

Note: States marked with an asterisk have expressed commitment to prohibiting all corporal punishment of children. Information in square brackets is unconfirmed. See the individual country reports on pages 23 to 56 for further information.

<table>
<thead>
<tr>
<th>State</th>
<th>Opportunities for enacting prohibition</th>
<th>Proposals for prohibition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Angola</td>
<td>Draft Penal Code and draft Code of Criminal Procedure under discussion; Family Code being revised; legislation on the prison system being drafted</td>
<td>?</td>
</tr>
<tr>
<td>Benin*</td>
<td>Draft Children's Code under discussion; Revised Criminal Code under consideration</td>
<td>YES</td>
</tr>
<tr>
<td>Burkina Faso*</td>
<td>Criminal Code and Code on the Person and the Family under review; draft Child Protection Code under discussion</td>
<td>YES</td>
</tr>
<tr>
<td>Burundi</td>
<td>Draft Code on Child Protection and draft Code of Criminal Procedure under discussion</td>
<td>(YES)</td>
</tr>
<tr>
<td>Cameroon</td>
<td>Draft Code of the Person and the Family under discussion; Penal Code and Civil Code under review</td>
<td>(NO)</td>
</tr>
<tr>
<td>Central African Republic</td>
<td>Draft Family Code and draft Child Protection Code under discussion; Criminal Code being revised</td>
<td>(YES)</td>
</tr>
<tr>
<td>Chad</td>
<td>Draft Child Protection Code, draft Code on the Person and the Family, draft Criminal Code, draft revised Code of Criminal Procedure and Bill on violence against women under discussion</td>
<td>?</td>
</tr>
<tr>
<td>Côte d’Ivoire</td>
<td>Personal and Family Code, Criminal Code and Criminal Procedure Code under review; draft new Family Code under discussion</td>
<td>?</td>
</tr>
<tr>
<td>DR Congo</td>
<td>Draft revised Family Code under consideration</td>
<td>?</td>
</tr>
<tr>
<td>Equatorial Guinea</td>
<td>Constitution under review; draft Children’s Code and draft amendments to Civil Code under discussion</td>
<td>?</td>
</tr>
<tr>
<td>Gabon</td>
<td>Code of Social Action being drafted</td>
<td>(YES)</td>
</tr>
<tr>
<td>Gambia</td>
<td>Amendments to Children’s Act under discussion</td>
<td>?</td>
</tr>
<tr>
<td>Ghana</td>
<td>Constitution under review</td>
<td>?</td>
</tr>
<tr>
<td>Guinea</td>
<td>Laws relating to judicial system under review and draft revised Civil Code under consideration</td>
<td>?</td>
</tr>
<tr>
<td>Guinea-Bissau</td>
<td>Domestic Violence Bill under discussion; bill to prohibit corporal punishment being drafted; drafting of a comprehensive Code on Protection of Children planned</td>
<td>(YES)</td>
</tr>
<tr>
<td>Niger*</td>
<td>Draft Children’s Code under discussion; Family Code being drafted</td>
<td>YES</td>
</tr>
<tr>
<td>Nigeria</td>
<td>Violence Against Persons Bill, Administration of Criminal Justice Bill, Prison Reform Bill and Domestic Violence Bill under discussion; child rights laws under consideration in a number of states; Children and Young Persons Laws, Penal Code, Criminal Procedure Code and Sharia Penal Code under review; Elimination of Violence against Women in Society Bill under discussion</td>
<td>?</td>
</tr>
<tr>
<td>Sao Tome and Principe*</td>
<td>Family Law being revised; Civil Code under review</td>
<td>?</td>
</tr>
<tr>
<td>Senegal</td>
<td>Draft Children’s Code under discussion; Family Code and Penal Code under review</td>
<td>?</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>Constitution under review</td>
<td>?</td>
</tr>
</tbody>
</table>
3 The human rights imperative to prohibit corporal punishment of children

“... corporal punishment of children is contrary to human rights and cannot be identified with African values. Prohibition of corporal punishment of children in all settings (including in the home) is a legal imperative, based on the child’s right to respect for his or her dignity and physical integrity.”

(Agnès Kaboré, former Chairperson of the African Committee of Experts on the Rights and Welfare of the Child)

The level of ratification of the main human rights agreements relating to children is high in West and Central African states: all have ratified the UN Convention on the Rights of the Child and all but three have ratified the African Charter on the Rights and Welfare of the Child. The majority have also ratified other human rights treaties (and all have ratified the African Charter on Human and Peoples’ Rights. Yet this apparent commitment to human — including children’s — rights is at odds with the absence in most states of laws prohibiting corporal punishment.

The UN Convention on the Rights of the Child (CRC) sets the standard for children’s rights in all regions of the world. In 2006 — the same year that the final report of the UN Secretary General’s Study on Violence against Children recommended prohibition of corporal punishment — the UN Committee on the Rights of the Child adopted General Comment No. 8 (2006) on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment” (arts. 19, 28, para. 2; and 37, inter alia)”. And from the very beginning of its work, the Committee has been clear that compliance with the Convention requires prohibition of corporal punishment in all settings, including the home, and has systematically recommended this to states parties.

Implementation of the African Charter on the Rights and Welfare of the Child (ACWRC) is monitored by the African Committee of Experts on the Rights and Welfare of the Child. Since 2009, the Committee has raised the issue of corporal punishment in examining a number of state party reports, including Burkina Faso, Liberia, Niger, Nigeria, Senegal and Togo. In 2011, the then Chairperson of the Committee Mme Agnès Kaboré issued a statement calling for increased efforts to end violence against children, urging governments to sign and ratify the African Charter on the Rights and Welfare of the Child, to implement laws against violence and provide resources to eliminate violence in schools.

Corporal punishment of children — and its legality — breaches other international and regional human rights treaties and their respective monitoring bodies have recommended that it be explicitly prohibited in the home and other settings. For example, recommendations have been made to West/Central African states by the UN Committee Against Torture, the UN Committee on the Elimination of Discrimination Against Women and the UN Human Rights Committee (see table on page 11). Following a complaint concerning Sudan submitted in 2000, the African Commission on Human and Peoples’ Rights confirmed that legislation permitting flogging violated article 5 of the African Charter on Human and Peoples’ Rights (ACHPR) and requested that the government of Sudan amend the law, abolish the penalty of lashes, and compensate the victims (Curtis Francis Doeber v Sudan, 236/2000, 33rd Ordinary Session, Niger, 2003).

The Universal Periodic Review is a review every four/five years of UN member states’ overall human rights records. The issue of corporal punishment is regularly raised during the review and recommendations made to prohibit it in the home and/or other settings. To date (October 2014), more than 40 recommendations on corporal punishment have been made to African states, including to 13 states in West and Central Africa. Six states in the region have accepted recommendations to prohibit all corporal punishment.

“Violence results in severe traumas on children as well as serious and lasting psycho-traumatic consequences on their health, with repercussions on their psychomotor development, their schooling, and their social life in the short and long term. The risk of seeing children perpetrating violence as future adults is high. Isn’t it a fact that an individual abuses his child as a reflection of his own past experiences? Inevitably, battered children tend to batter others, threatened children will also threaten others, humiliated ones will humiliate, and mutilated ones tend to mutilate others. The witnessing of violence which we inflict on ourselves or which we commit on others will inevitably destroy a child’s soul. But this doesn’t correspond in any way to the ideal of a society that we all aspire for.

“We have all made promises to these fragile, vulnerable and dependent children for their proper growth and development, and for the creation of an Africa fit for children. Increased investments have been made by families, society and States in the prevention of violence against children in the last twenty years. But we remain convinced that these measures would have had a greater success if all States had demonstrated a stronger political will in the implementation of the adopted laws and the ratified treaties. This would have given the assurance that there will never be a country in Africa, where violence towards children is tolerated.

“… The Committee of Experts calls for the firm engagement of African States, at the highest level, to support the eradication of all forms of violence against children. In many countries in the continent, don’t we find that society still tolerates and sometimes condones certain recurrent forms of violence against children, especially in families? However, no tradition, religion, belief, economic situation or educational method should justify these practices…. A clear and unambiguous rejection of all forms of violence, even moderate ones, against children should be encouraged by society as a whole. The notions deeply rooted in the social and cultural norms and traditions which accept, tolerate and indeed encourage violence, including sexist clichés, racial or ethnic discrimination, the acceptance of corporal punishment and other harmful traditional practices should be publicly condemned and eliminated. The harmful consequences that all forms of violence can have on children should be widely publicised.

“… it is necessary to continue to incorporate the provisions of the Convention on the Rights of the Child which guarantee the best interest of the child in the domestic laws of each country, particularly in relation to the deep concerns raised with regards to corporal punishment of children…”

Increasing pressure on states: communications, complaints and inquiry procedures

The UN Convention on the Rights of the Child and other international treaties are legal instruments. States which ratify them have a legal obligation to comply with them, and this includes prohibiting all corporal punishment of children – and many of the treaties provide ways to increase pressure on states which fail to do so:

- Communications/complaints mechanisms allow individual or groups of victims of alleged rights violations to submit a complaint to the committee that monitors implementation of the relevant treaty. This process normally requires that every effort has first been made to resolve the matter within the state concerned (i.e. that domestic remedies have been exhausted).

- Inquiry procedures provide for the committee monitoring a convention to make inquiries into the situation in a state concerning specific rights in the convention outside of the normal reporting procedure.

There are communications/complaints mechanisms and inquiry procedures relevant to corporal punishment of children associated with the International Covenants on Civil and Political Rights (ICCPR) and on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPD).

In addition, the Optional Protocol to the Convention against Torture (CAT OP) provides for a system of regular visits to places where people are deprived of their liberty in order to prevent torture and other cruel, inhuman or degrading treatment or punishment. The new Optional Protocol to the Convention on the Rights of the Child on a communications procedure came into force in April 2014. Of states in West and Central Africa, Gabon has acceded to the Protocol; seven other states have signed but not yet ratified it.

Human rights instruments ratified, communications/inquiry procedures applicable and recommendations on corporal punishment by treaty bodies and during the UPR to West and Central African states

<table>
<thead>
<tr>
<th>State</th>
<th>Instruments ratified (* communications and/or inquiry procedures applicable in the state)</th>
<th>Recommendations by treaty bodies and during the UPR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central African Republic</td>
<td>CRC, CEDAW, ICCPR, ICESCR, ACHPR</td>
<td>CRC (2000)</td>
</tr>
<tr>
<td>Côte d'Ivoire</td>
<td>CRC, *CAT, CRPD, *CEDAW, ICCPR, ICESCR, ACHPR</td>
<td>-</td>
</tr>
</tbody>
</table>
4 What law reform means

“All States have criminal laws to protect citizens from assault. Many have constitutions and/or legislation reflecting international human rights standards and article 37 of the Convention on the Rights of the Child, which uphold ‘everyone’s’ right to protection from torture and cruel, inhuman or degrading treatment or punishment. Many also have specific child protection laws that make ‘ill-treatment’ or ‘abuse’ or ‘cruelty’ an offence. But such legislative provisions do not generally guarantee the child protection from all corporal punishment and other cruel or degrading forms of punishment.”

(UN Committee on the Rights of the Child, General Comment No. 8, 2006)

Law reform to prohibit corporal punishment means ensuring that children are legally protected from assault just as adults are – even when that assault is inflicted in the name of “discipline”. Corporal punishment should be prohibited in all settings of children’s lives, including homes, schools, penal institutions, care settings and as a sentence of the courts. It is achieved when:

- all defences and authorisations of corporal punishment are repealed, and
- legislation prohibits all corporal punishment and other cruel and degrading punishment

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- all defences and authorisations of corporal punishment are repealed, and
- legislation prohibits all corporal punishment and other cruel and degrading punishment

5 From prohibition to elimination

How states can move on from violent punishment of children

As this report underlines, achieving children’s right to full protection of their human dignity and physical integrity and to equal protection under the law is established as a global human rights imperative. It requires explicit prohibition of corporal punishment and all other cruel or degrading forms of punishment in all settings.

Law reform sends a clear message that children have as much right to protection from assault as adults and provides a firm foundation for legal and other measures to protect children from all forms of violence. But law reform alone will not achieve the transformation in attitudes and practice required to eliminate violent punishment. The path from prohibition to elimination requires sustained public education and awareness-raising to eliminate violent punishment of children.

The task of transforming traditional attitudes and practices is huge and common to all countries globally, aside from the very small number which have achieved complete prohibition and also followed up with sustained educational measures to change beliefs and behaviour. Resources – human and financial – available to achieve this transformation are drastically limited in most countries, including in West and Central Africa. States vary in size, in the structures of programmes, services and systems which impact on children and families and in effective methods of delivering public education.

The states which have achieved full prohibition have done so in almost every case despite majority public opinion opposing a ban. On this as on many other social issues, governments must act on the basis of their human rights obligations and professional advice – well ahead of public opinion. There is no justification for keeping children waiting for a change in the law to confirm their fundamental rights while attempting to change adult attitudes. Nobody would argue that law reform to prohibit all violence against women in the home should await universal anger management courses and full employment for men.

Across Africa there are already many pilot programmes, projects and materials encouraging positive, non-violent forms of discipline aimed at parents, teachers and others, promoted by governments, UNICEF and other UN agencies and a variety of NGOs. But to achieve comprehensive and sustainable progress towards elimination, it is essential to fully engage governments in the process, to ensure integration into all relevant services and contacts with children and families.
A preliminary list of measures needed to accompany/follow prohibition

- Wide dissemination and explanation of the law and its implications
- Development of detailed guidance, for all those involved, on how the law prohibiting violent punishment should be implemented in the best interests of children
- Communication of children’s right to protection from corporal punishment and all other cruel or degrading forms of punishment to children and adults
- Promotion of positive, non-violent forms of discipline to the public, children, parents, other carers, teachers, etc

Dissemination of information on the dangers of corporal punishment

Integration of implementation/enforcement of the prohibition into the national and local child protection system

Identification of key public figures and a wide range of partners who can support the implementation of the law and transformation of attitudes

Attraction of necessary resources

Evaluation of the impact of law reform and other measures, through a baseline survey and regular follow-up surveys, interviewing children and parents.

Possible channels and opportunities/contact points for communication of key messages

- Initial and in-service training of all those working with and for families and children, including teachers, care workers, etc
- Elements of civil society in contact with children and families, including religious/faith groups
- The media
- The internet, social networking, etc
- Child/youth participation during international/national commemorations, through social media, etc

Planning for change

In each state, a plan should be developed by the Government with other potentially active partners on how to progress from prohibition to elimination. Where states are developing national plans to eliminate all forms of violence against children, this can form one integrated element. A review is likely to be needed, covering:

- what action there has been – including development of programmes and materials – in each state challenging corporal punishment in the different settings of children’s lives: home and family, local community, schools and other institutions, all forms of alternative care, child labour and penal systems for children
- what are the structures of relevant national/local services impacting on children and families which could be used as a communications vehicle to support the move away from violent punishment, including through the promotion of positive, non-violent discipline

- consider promoting positive practices, especially within traditional/religious societies
- what research is available on the prevalence of and attitudes towards violent punishment of children
- what positive examples are there of comparable large-scale public education campaigns in the state or similar states which could provide relevant models/ideas
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A preliminary list of measures needed to accompany/follow prohibition

- Wide dissemination and explanation of the law and its implications
- Development of detailed guidance, for all those involved, on how the law prohibiting violent punishment should be implemented in the best interests of children
- Communication of children’s right to protection from corporal punishment and all other cruel or degrading forms of punishment to children and adults
- Promotion of positive, non-violent forms of discipline to the public, children, parents, other carers, teachers, etc

Dissemination of information on the dangers of corporal punishment

Integration of implementation/enforcement of the prohibition into the national and local child protection system

Identification of key public figures and a wide range of partners who can support the implementation of the law and transformation of attitudes

Attraction of necessary resources

Evaluation of the impact of law reform and other measures, through a baseline survey and regular follow-up surveys, interviewing children and parents.

Possible channels and opportunities/contact points for communication of key messages

- Initial and in-service training of all those working with and for families and children, including teachers, care workers, etc
- Elements of civil society in contact with children and families, including religious/faith groups
- The media
- The internet, social networking, etc
- Child/youth participation during international/national commemorations, through social media, etc

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Regional action and campaigns against corporal punishment

In February/March 2011, a strategic consultation on ending corporal punishment across Africa was held in Ouagadougou, Burkina Faso, organised by the African Child Policy Forum and the Global Initiative to End All Corporal Punishment of Children in collaboration with the African Committee of Experts on the Rights and Welfare of the Child. The consultation was opened by Mme Pascaline Tamini, then Minister of Social Action and National Solidarity of Burkina Faso, and attended by high level representatives of Burkina Faso’s Government and Members of the Burkina Faso Parliament, as well as other key stakeholders from across Africa. The consultation and follow up resulted in a strategic plan which sets out proposals for further action to accelerate law reform and other measures to eliminate corporal punishment and all other cruel or degrading forms of punishment of children across Africa. The aim is to encourage the adoption of national action plans to speed progress across Africa. International, pan-African and African organisations are also invited to consider how they could support the mission and objectives of the International.

In December 2011, a technical workshop on achieving law reform to prohibit corporal punishment was held in Ouagadougou by Plan International, Save the Children Sweden regional office in West and Central Africa and the Global Initiative. Eighty-one participants from international and national NGOs, CSOs, governments and parliaments came from 11 African countries: Benin, Burkina Faso, Côte d’Ivoire, Gambia, Ghana, Guinea, Mali, Niger, Rwanda, Senegal and Togo. The objectives of the workshop were to strengthen participants’ capacity in advocating for law reform to end corporal punishment of children and to adopt national action plans to support the activities of key actors on the issue. A children’s workshop was held which aimed to increase understanding of corporal punishment as violence against children and the need for law reform, to contribute to the development of national action plans and to ensure that child participation is taken into consideration in the development, implementation and follow up of the plans.

The workshop was opened by Mme Clémence Traoré-Some, Minister of Social Action and National Solidarity of Burkina Faso, who confirmed her support for law reform to prohibit corporal punishment. Mme Agnès Kabore, then Chairperson of the African Committee of Experts on the Rights and Welfare of the Child also attended. She formally opened the consultation on the punishment of children in all settings including the home, and most recently African states to engage in law reform for the prohibition and elimination of all forms of corporal punishment.

National action plans were drafted by each participating state, and a decision was made to set up a West African regional network on ending corporal punishment. By June 2012, a parliamentary group which supports prohibition was being identified in Côte d’Ivoire, and awareness raising on the need for law reform was initiated in Ghana together with support to the Ghana Education Service to promote positive non-violent discipline. By late 2013 Plan was being identified in Côte d’Ivoire, and awareness raising on the need for law reform was initiated in Ghana.

The West Africa Regional Offices’ Violence against Children Project (WARO VAC) is a joint initiative of Plan International and Save the Children, implemented since 2008 in 12 West African countries. The project is called for the elimination of harmful corporal punishment and to train young people on how to advocate for an end to violence in their communities and beyond. The project involves researching and raising awareness on the issue of corporal punishment. For example, in 2011 Plan Benin launched a text messaging (SMS) campaign for reporting cases of violence against children, including corporal punishment.

In December 2013, the Government of Benin in partnership with SOS Children’s Village International launched a 3-year national campaign to improve protection for children in alternative care settings, following publication of a report revealing child abuse including corporal punishment in institutional care facilities. The campaign is part of the SOS Children’s Village International Care for ME! Global Campaign (www.sos-childrensvillages.org/what-we-do/care-quality-in-care/advocating-quality-care-care-for-me). In the Gambia, the Child Protection Alliance (CPA) is preparing its advocacy plan for 2014, including law reform to prohibit corporal punishment as a key issue.

In September 2013 in Accra, Ghana, a consultation forum on “Ending harmful practices affecting children and youth in West and Central Africa” was held during which children and youth from 13 countries in the region met the UN Special Representative of the Secretary General on Violence against Children, Marta Santos Pais, and shared their experiences of corporal punishment. The consultation was an initiative led by Plan International in collaboration with the Government of Ghana, UNICEF, Save the Children International, World Vision, ActionAid and other child rights organisations, as a contribution to ongoing initiatives aimed at implementing the recommendations of the UN Study on Violence Against Children.
In 2011, in **Ghana, Liberia and Sierra Leone**, Defence for Children International 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 country programmes plan to collaborate on the project with CSOs and government institutions ([www.defenceforchildren.org/dci-worldwide/dci-africa/liberia.html](http://www.defenceforchildren.org/dci-worldwide/dci-africa/liberia.html)).

In **Nigeria**, the Child Rights Network (CHIRN) campaigns for the prohibition of corporal punishment in all settings through a bulletin entitled "Discipline" and through facilitating the NGO coalition National Action on Banning Corporal Punishment and Violence against Children.

Some campaigns have been specifically concerned with ending corporal punishment in schools. Key aims of Plan International’s Learn Without Fear campaign include persuading governments to prohibit all forms of violence against children in school, including corporal punishment, and to enforce those laws and promote alternative non-violent discipline. The campaign, which officially ended in October 2011, has been incorporated through the WANO VAC programme into current country child protection community and school initiatives ([plan-international.org/learnwithoutfear/learn-without-fear](http://plan-international.org/learnwithoutfear/learn-without-fear)).

Other initiatives to end corporal punishment in schools include the development of a code of conduct for teachers in 2007-2009 in **Côte d’Ivoire** by Save the Children in partnership with the regional education authorities, selected schools, and teachers’ unions. In **Gambia**, guidelines on alternatives to corporal punishment are being developed for teachers, involving the Ministry of Education, UNICEF, the Child Protection Alliance and Save the Children.

ActionAid’s "Stop Violence against Girls in School" project seeks to tackle corporal punishment in schools in **Ghana** through a combination of awareness raising and lobbying for the adoption and/or implementation of legal and policy measures that ensure education is free from corporal punishment ([www.actionaid.org/what-we-do/education/stop-violence-against-girls-schools](http://www.actionaid.org/what-we-do/education/stop-violence-against-girls-schools)). In collaboration with the Ghana National Education Campaign Coalition, ActionAid Ghana has developed a positive discipline pack and flyer to promote alternative, non-violent discipline and advocate for the elimination of corporal punishment in schools, and radio discussions on the issue have taken place at district and regional levels.

Religious communities have a key role to play in challenging the social and cultural attitudes which perpetuate corporal punishment of children and in challenging claims made by some religious groups who justify corporal punishment through their faith and sacred texts.

When different religious communities work together they demonstrate an enormous capacity for cooperation in promoting children's rights and transforming children's lives. Religious leaders are in a unique position to use their moral authority and teaching to demonstrate deep respect for children in their communities. Through the promotion of the universal values of compassion, justice, equality and non-violence they can transcend religious differences and work towards ending the humiliation and pain of corporal punishment.

There are many examples of multi-religious advocacy for children. One of the most significant and influential took place at the Eighth World Assembly of Religions for Peace (2006). In “A Multi-religious Commitment to Confront Violence against Children” (the Kyoto Declaration) over 800 religious leaders from all the major world religions declared their commitment to end all forms of violence against children including corporal punishment. Article 6 of the declaration states:

“We call upon our governments to adopt legislation to prohibit all forms of violence against children, including corporal punishment, and to ensure the full rights of children consistent with the Convention on the Rights of the Child.”

“Our religious communities are ready to serve as monitors of implementation, making use of national and international bodies to maintain accountability.”

Children's issues were given prominence during the 9th Assembly of the All Africa Conference of Churches (AACC) which was held in Maputo, Mozambique, in December 2008. A Biblical Mandate states:

“The Church in Africa would want to realise that the Biblical basis for doing child ministry is more than a rationale; it is especially, a command for the church to minister to children. Child ministry is a systematic programming for children that seeks to achieve the holistic transformation of all children out of physical, psychological, spiritual, socio-cultural, and economic bondages so that the children attain the fullest realisation of their potentials and ultimately become agents of the transformation of the society, to the glory of God. Therefore we challenge the church to realise that failure to minister to children is an omission within the great Commission.”

Islamic scholars have also spoken out against corporal punishment. In Mauritania the network of Imams carried out a study to assess whether corporal punishment is allowed in Islam. It concluded that violence has no place in the Quran and thus in Islam. The results of the study formed the basis of a fatwa (religious edict) barring physical and verbal violence against children in the education system and the home. The fatwa states:

“... it is necessary to desist immediately and finally from beating children, regardless of the pretext given. This is not only required by law and piety, or in accordance with the principles and purposes of the glorious shariah, but it is also essential for the good of the child, the educator, the family and society. It is also necessary to adopt scientific educational methods in the upbringing of children, following the example provided by the first educator and teacher, Mohammad may God be merciful to him, whose teachings are all kindness, love and goodness.”

8 Faith based support for prohibition

“Progress towards abolishing corporal punishment is being made, but millions of the world's children still suffer from humiliating acts of violence and these violations of their rights as human beings can have serious lifelong effects. Violence begets violence and we shall reap a whirlwind. Children can be disciplined without violence that instills fear and misery. ... If we really want a peaceful and compassionate world, we need to build communities of trust where children are respected, where home and school are safe places to be and where discipline is taught by example.”

(Archbishop Emeritus Desmond Tutu, 2006)
The All Africa Conference of Churches (AACC) together with other Christian organisations took part in Ecumenical Conversations on the Churches' Advocacy for Children's Rights at the 10th Assembly of the World Council of Churches (WCC) held in Busan, South Korea, in 2013. The AACC, in solidarity with other Christian organisations, signed an open message from participants, "Putting Children At the Center", which includes a call to work with others to prohibit and eliminate corporal punishment (see box).

The World Day of Prayer and Action for Children

The World Day of Prayer and Action for children is celebrated each year on Universal Children's Day (20 November), with secular and faith-based organisations working together and taking action for the well-being of children. Although activities are highlighted in November, the World Day has grown into a movement that has influence throughout the year. It brings together the efforts of faith-based and non-governmental organisations with those of governments around the world. Since its launch in 2008, the World Day has inspired over 300 activities in more than 85 countries towards improving the lives of children.

World Day events in West and Central Africa

In August 2013 an action plan for ending domestic violence including violence against children was developed by representatives of the 11 provinces of the Democratic Republic of Congo. As part of the action plan, the World Day Celebration was used to inform children and parents of children's rights. It included a workshop on the Convention of the Rights of the Child. A ceremony for the World Day of Prayer and Action for Children was organised by the Department of Diakonia of the Church of Christ in Congo, 6 December 2013 in Kinshasa with the support of Global Network of Religions for Children.

A press conference was held in Liberia on 18 November 2013 to promote an end to violence against children. The Ministry of Gender and Development, UNICEF and the Association of Traditional and Religious leaders of Liberia took part. UNICEF worked with the President's Office to deliver a pre-recorded call to prayer which was aired on all radio stations across the country. The President called on the nation for a minute of prayer at midday on 20 November requesting that everyone pray to end violence against the children of Liberia. In addition, UNICEF together with the Inter-Religious Council, an association of all religious leaders of Liberia including Christian, Muslim and traditional leaders, arranged for all churches to ring their bells and for Imams to call for prayer. The Women in Prayer Network (WIPNET) also prayed to stop violence against children.

"As part of God’s mission our churches, Ecumenical bodies, interfaith networks, NGOs and inter-governmental organisations have to respond to the ethical, moral and spiritual imperative to uphold children’s dignity and do more by:

- Respecting, valuing and protecting all children regardless of race, religion, or gender, creating a healthy, peaceful and inclusive environment – free from discrimination, exploitation, violence and abuse
- Putting children at the center, listening to their voices and providing opportunities for participation in the life of the church and community
- Engaging in concrete actions of healing and solidarity with children
- Offering refuge and shelter to children focusing on those who are at risk and discriminated against
- Nurturing children’s spirituality and joining with others in prayers and actions for and with children
- Advocating for children’s rights with governments and other bodies which influence policy changes
- Creating new forms of partnership with children based on full recognition of their capacities, rights and responsibilities
- Offering spaces for reflection and sharing of good practices
- Encouraging positive parenting where children can grow in an atmosphere of respect, love and compassion
- Working with others in the global movement to prohibit and eliminate corporal punishment of children
- Using the scriptures to promote peace, justice and non-violence in living with children
- Building partnerships with inter-governmental organisations, Ecumenical partners and other faith communities and networks as well as alliances for promoting children’s rights."

(“Putting Children At the Center”, Busan, South Korea, 8 November 2013)


9 Legality of corporal punishment in West and Central Africa: summary table

Please note: The following information has been compiled from many sources, including reports to and by the United Nations human rights treaty bodies. Information in square brackets is unconfirmed. We are very grateful to government officials, UNICEF and other UN agencies, NGOs and human rights institutions, and many individuals who have helped to provide and check information. Please let us know if you believe any of the information to be incorrect: info@endcorporalpunishment.org.

States with full prohibition in legislation

The following two states have prohibited corporal punishment in all settings, including the home:

- Cabo Verde (2013)
- Congo, Republic of (2010)
- Togo (2007)

States expressing commitment to law reform in UPR and other contexts

Governments in the following four states have expressed a commitment to prohibition of all corporal punishment of children. In the majority of cases this has been through unequivocally accepting recommendations to prohibit made during the Universal Periodic Review (UPR) of the state concerned.

Some states have formally confirmed a commitment to prohibition in a public context outside of the UPR.

<table>
<thead>
<tr>
<th>State</th>
<th>Prohibited in the home</th>
<th>Prohibited in alternative care settings</th>
<th>Prohibited in day care</th>
<th>Prohibited in schools</th>
<th>Prohibited in penal institutions</th>
<th>Prohibited as sentence for crime</th>
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States without a clear commitment to law reform

The table overleaf lists the 19 states and one territory which have yet to make a clear commitment to prohibiting all corporal punishment. Some of these states have accepted UPR recommendations to prohibit but have also indicated that they will consider existing legislation adequately protects children from corporal punishment, in conflict with information collected by the Global Initiative. Some states have accepted some UPR recommendations to prohibit corporal punishment but rejected other similar recommendations.

1. Government accepted UPR recommendation to prohibit in all settings (2012); draft legislation which would prohibit under discussion (2014)
2. Government circular advises against corporal punishment but no prohibition in law
3. Draft legislation which would prohibit under discussion (2014)
4. Prohibited in preschool education settings
5. Prohibited in primary schools
6. But no explicit prohibition and law permits use of force “in case of apathy following orders”
7. Draft legislation which would prohibit under discussion (2014)
8. Ministerial Order states corporal punishment should not be used but no prohibition in law
9. Government accepted UPR recommendation to prohibit in all settings (2011)
<table>
<thead>
<tr>
<th>State</th>
<th>Prohibited in the home</th>
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<th>Prohibited in day care</th>
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</table>

10 Possibly prohibited in nursery education
11 Government accepted UPR recommendation to prohibit (2009) but recommendation to prohibit in 2013 UPR was rejected
12 Possibly prohibited in institutional care settings
13 Possibly prohibited in institutions
14 Ministerial circular states corporal punishment should not be used but no prohibition in law
15 But no explicit prohibition
16 Prohibited in preschool provision
17 Minimum standards for residential childcare institutions state corporal punishment should not be used but no prohibition in law
18 Ministerial directive advises against corporal punishment but no prohibition in law
19 Government accepted UPR recommendations to prohibit in all settings (2008, 2012) but also defended “reasonable” punishment and in the context of reviewing the Constitution (2012) asserted that existing legislation adequately protects children
20 Ministerial directive possible advises against corporal punishment but no prohibition in law
21 Prohibited in prisons
22 Ministerial circular possibly advises against corporal punishment but no prohibition in law
23 Children’s Law 2011 prohibits corporal punishment by child protection practitioners
24 Children’s Law 2011 prohibits corporal punishment by child protection practitioners
25 Prohibited in preschools and kindergartens
26 But no explicit prohibition
27 Ministerial Order states corporal punishment should not be used but no prohibition in law
28 But possibly prohibited in Lagos State
29 Prohibited in Child Rights Act 2003 but this not enacted in all states
30 Prohibited in Child Rights Act 2003 but this not enacted in all states and other legislation not amended; lawful in some areas under Shari’a law
31 Prohibited for 6-14 year olds
32 But no explicit prohibition and law permits use of force “in the case of inertia to the orders given”
33 Prohibited in children’s homes in St Helena and Tristan da Cunha
34 Prohibited in preschools
10 Individual country reports

ANGOLA

Child population: 11,299,300 (UNICEF, 2012)

Current legality of corporal punishment

**Home (lawful):** The Child Law 2012 protects children from “negligent, discriminatory, violent or cruel” treatment (art. 7) and from “inhuman, cruel, violent, exploiting, humiliating, compromising or discriminatory treatment or other forms of treatment against the dignity and physical integrity of the child” (art. 8), but it also provides for “justifiable” correction (art. 10). The Domestic Violence Act 2010 defines domestic violence as “any act or omission that causes injury or deformity and temporary or permanent psychological damage” and physical violence as “all conduct which offends bodily integrity or health” (art. 3). This protects children from corporal punishment of some severity but does not effectively prohibit all forms of corporal punishment. The Penal Code punishes habitual cruelty against children but does not prohibit all corporal punishment (art. 157). There is no explicit prohibition of all corporal punishment in the Family Code or the Constitution 2010.

**Day care (lawful):** There is no explicit prohibition of all corporal punishment. Children have limited protection under the Domestic Violence Act 2010 and the Child Law 2012.

**Schools (lawful):** There is no explicit prohibition of corporal punishment. Children have limited protection under the Domestic Violence Act 2010 and the Child Law 2012. The Education Law 2001 appears to be silent on the issue (unconfirmed).

**Penal institutions (lawful):** There is no explicit prohibition of corporal punishment.

**Sentence for crime (unlawful):** There is no provision for judicial corporal punishment in criminal law.

Alternative care settings (lawful): There is no explicit prohibition of all corporal punishment. Children have limited protection under the Domestic Violence Act 2010 and the Child Law 2012.

Law reform under way

The Penal Code is being revised: an early draft of the new Code punished violence and cruel treatment of children but did not include prohibition of all corporal punishment in the home or any other setting. The Family Code is also being revised: we do not know if prohibition has been proposed in this context.

Human rights jurisprudence on corporal punishment


Law reform necessary to achieve prohibition in Angola

- Prohibition of all corporal punishment in the home, alternative care settings, day care, schools and penal institutions.
- Repeal of legal provisions for “justifiable” correction (Child Law 2012).

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1 3 November 2004, CRC/C/15/Add.246, Concluding observations on initial report, paras. 32, 33, 36 and 37; 11 October 2010, CRC/C/AGO/CO/2-4, Concluding observations on second to fourth report, paras. 36 and 37
Current legality of corporal punishment

Home (lawful): There appears to be no confirmation in written law of a “right” of parents to “correct” children but provisions against violence and abuse in the Code on Persons and the Family 2004, the Law on Violence Against Women 2011 and the Constitution 1990 are not interpreted as prohibiting all corporal punishment. The Criminal Code punishes anyone who “willfully injures or strikes a child to the age of fifteen years” (art. 312) but it does not prohibit all corporal punishment in childrearing.

Alternative care settings (lawful): There is no explicit prohibition of all corporal punishment. Children have limited protection under the Criminal Code (art. 312).

Day care (lawful): There is no explicit prohibition of all corporal punishment. Children have limited protection under the Criminal Code (art. 312).

Law reform under way

A draft Children’s Code is under discussion. The draft in 2011 confirmed the right of a child to respect for his or her physical integrity (art. 13), stated that parents or guardians must ensure that family discipline is administered with humanity and respect for the child’s human dignity (art. 24), and explicitly prohibited corporal punishment in the family, schools, private and public institutions, and foster care (arts. 52 and 115). As at 2013 the draft was before the National Assembly and reportedly still included prohibition. 2 A draft Penal Code has long been before the National Assembly but has not yet been adopted: we do not know if it includes provisions relating to prohibition of corporal punishment.

Prevalence/attitudinal research in the last ten years

A 2009 study involving interviews with 6-14 year old girls and the mothers of 2-5 year old girls and a survey of more than 6,000 adults found that 88.5% of 2-5 year old girls, 88% of 5-9 year olds and 87.7% of 10-14 year olds had been beaten. 3

Human rights jurisprudence on corporal punishment


UPR: The Government accepted recommendations to prohibit all corporal punishment in all settings (2012). 7

Law reform necessary to achieve prohibition in Benin

Prohibition of corporal punishment in the home, alternative care settings, day care, schools and penal institutions.

References

1. Information provided to the Global Initiative, January 2013
2. Ministère de la Famille et de la Solidarité National (2008), Les Violences Faîtes aux Femmes au Bénin
3. 12 August 1999, CRC/C/BEN/1/Add.109, Concluding observations on initial report, paras. 19; 20 October 2008, CRC/C/BEN/2/Add.1, Concluding observations on second report, paras. 9, 39, 40, 41 and 62
4. 19 February 2008, CAT/C/BEN/1/Add.1, Concluding observations on second report, para. 23
5. 15 March 2011, CAT/C/BEN/1, Report on first periodic visit, paras. 108, 247, 248, 249 and 250
6. 11 December 2012, A/HRC/22/9, Report of the working group, paras. 108(67), 108(68) and 108(69)

Prohibiting corporal punishment of children in Western and Central Africa: progress report 2014
In 2005-2006, the United Nations Children's Fund (UNICEF) published a report titled "Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries." This report is based on research conducted in 2002-2006 and provides insights into the prevalence and attitudes towards corporal punishment in the home in various countries.

The report notes that corporal punishment is a common form of discipline in many households around the world. It highlights the lack of explicit prohibition of corporal punishment in law, particularly in the home, and the high prevalence of physical punishment among children.

UNICEF's major 2010 analysis of child discipline in the home in 2005-2006 found that 83% of 2-14 year olds were subjected to violent "discipline" (physical punishment and/or psychological aggression) in the month prior to the survey. Research by the African Child Policy Forum published in the same year found that 91% of children reported being hit during their childhood. 88% were beaten, 51% kicked, 51% denied food, 27% choked or burned, and 43% forced to do hard work—most commonly by parents and close relatives.

### Human rights jurisprudence on corporal punishment


**UPR:** The Government accepted a recommendation to ensure implementation of laws against corporal punishment but rejected the recommendation to prohibit corporal punishment in all settings (2013).

### Current legality of corporal punishment

**Home (lawful):** Provisions against violence and abuse in the Penal Code 2009 and the Code of Personal and Family Affairs are not interpreted as prohibiting all corporal punishment. The Constitution 2005 incorporates the Convention on the Rights of the Child (art. 19) and provides for respect for human dignity (art. 21), protection of physical integrity (art. 25) and protection for the child from abuse (art. 44), but it does not explicitly prohibit all corporal punishment.

**Alternative care settings (lawful):** There is no explicit prohibition of corporal punishment.

**Daycare (lawful):** There is no explicit prohibition of corporal punishment.

**Schools (unlawful):** The Government has reported that corporal punishment is prohibited in schools in regulations. We have yet to verify this information.

**Penal institutions (lawful):** There is no explicit prohibition of corporal punishment.

**Sentence for crime (unlawful):** There is no provision for judicial corporal punishment in criminal law.

### Law reform necessary to achieve prohibition in Burkina Faso

Prohibition of all corporal punishment in the home, alternative care settings, daycare, schools and penal institutions. Explicit repeal of the "right of correction".

### CABO VERDE

**Child population:** 2,989,700 (UNICEF, 2012)

**Prohibition of corporal punishment:** Corporal punishment is prohibited in all settings, including the home. Article 31 of the Law on Children and Adolescents 2013, in force 2014, states: "(1) The family must provide a loving and safe environment that allows the full development of children and adolescents and protects them from any actions affecting their personal integrity. (2) In exercising the right to correction parents must always keep in mind the rights of children and adolescents to an upbringing free from violence, corporal punishment, psychological harm and any other measures affecting their dignity, which are all inadmissible." Corporal punishment is prohibited in all public and private institutions under article 128 of the Civil Code.

**Human rights jurisprudence on corporal punishment**

**Treaty body recommendations/observations:** Committee on the Rights of the Child (2000, 2010).

**UPR:** The Government accepted recommendations to prohibit corporal punishment.

### Law reform under way

Drafting of a Code of Child Protection has been under way since 2010 and is still under discussion. Proposals have been made to include prohibition of corporal punishment but as at 2012 the draft did not include prohibition of corporal punishment in all settings. A Preliminary draft Code of Criminal Procedure was under discussion in 2012: we have no further details.

### Prevalence/attitudinal research in the last ten years

UNICEF's major 2010 analysis of child discipline in the home in 2005-2006 found that 83% of 2-14 year olds were subjected to violent "discipline" (physical punishment and/or psychological aggression) in the month prior to the survey. Research by the African Child Policy Forum published in the same year found that 91% of children reported being hit during their childhood. 88% were beaten, 51% kicked, 51% denied food, 27% choked or burned, and 43% forced to do hard work—most commonly by parents and close relatives.

**Prevalence/attitudinal research in the last ten years**

Interviews with children in conflict with the law and with parents and law enforcement officials, carried out by Human Rights Watch in 2006-2007, found that many children had been beaten and suffered other ill treatment while in detention.

**Human rights jurisprudence on corporal punishment**

**Treaty body recommendations/observations:** Committee on the Rights of the Child (2000, 2010).

**UPR:** The Government accepted recommendations to prohibit corporal punishment.

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11 9 October 2002, CRC/C/15/Add.133, Concluding observations on second report, paras. 36, 37 and 51; 9 February 2010, CRC/C/BFA/CO/3-4, Concluding observations on third report, paras. 40 and 41
12 [November 2013], CAT/C/BFA/CO/1 Advance Unedited Version, Concluding observations on initial report, para. 22
13 Concluding observations on the initial report of Burkina Faso, 2010
14 8 July 2013, A/HRC/24/4, Report of the working group, paras. 135(106) and 138(6)
15 1 September 2010, CRC/C/BDI/Q/2/Add.1, Reply to list of issues
16 Human Rights Watch (2007), Paying the price: Violations of the rights of children in detention in Burundi
17 9 October 2002, CRC/C/15/Add.133, Concluding observations on second report, paras. 40 and 41; 19 October 2010, CRC/C/BFA/CO/3-4, Concluding observations on third report, paras. 39 and 40
18 7 November 2001, CRC/C/15/Add.168, Concluding observations on initial report, paras. 35 and 36
19 23 April 2012, CCPR/C/CAB/CO/1, Concluding observations in the absence of a report, para. 12
20 12 January 2009, A/HRC/10/81, Report of the working group, paras. 63(1) and 63(13); 3 July 2013, A/HRC/24/5, Report of the working group, paras. 115(20), 115(24), 115(26) and 115(28)
Current legality of corporal punishment

**Home (lawful):** The legal system is based on French civil law and English common law, and a right to inflict corporal punishment on children is recognised. The Constitution 1996 states in the preamble (unofficial translation): “Every person has the right to life and to physical and moral integrity. They must be treated with humanity in all circumstances. Under no circumstances may any person be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” But neither this nor provisions against violence and abuse in the Penal Code 1967 are interpreted as prohibiting all corporal punishment of children.

**Alternative care settings (lawful):** There is no explicit prohibition of corporal punishment.

**Day care (Partially prohibited):** There is no explicit prohibition of corporal punishment in all early childhood care and in day care for older children, but corporal punishment is possibly prohibited in nursery education under the Law of Cameroon National Educational Guidelines No. 98/004 1998 (art. 35).

Law reform under way

Laws are being harmonised with international human rights standards, the Penal Code is under review and a new Family Code is being drafted. Early drafts of a Child Protection Code and Family Code (2010) stated that discipline in the family should be administered with respect for the child’s dignity but did not prohibit all corporal punishment. It was later decided to combine the two Codes into a single Family Code: we are seeking information on further developments.

Schools (unlawful): Corporal punishment is unlawful under the Law of Cameroon National Educational Guidelines No. 98/004 1998 (art. 35, unofficial translation): “The physical and moral integrity of the student is guaranteed in the educational system. Therefore corporal punishment and all other forms of violence, discrimination of any kind, ... are prohibited.”

Penal institutions (unlawful): Corporal punishment appears to be unlawful, but we have been unable to confirm explicit prohibition in law. The Code of Criminal Investigation states that “the use of force in the process of arrest, detention or execution of a sentence is a crime except where authorized by law” (art. 615). Decree No. 92/052 1992 prohibits police from using the baton or whip as a means to extract confessions, and ill-treatment against detainees is punishable under Order No. 080 1983.

Sentence for crime (unlawful): There is no provision for judicial corporal punishment in criminal law.

Law reform necessary to achieve prohibition in Cameroon

Prohibition of all corporal punishment in the home, alternative care settings, day care and possibly penal institutions. Repeal of the right to inflict corporal punishment (common/case law).

Prevalence/attitudinal research in the last ten years

UNICEF’s major 2010 analysis of child discipline data from 2005-2006 found that 93% of 2-14 year olds were subjected to violent “discipline” (physical punishment and/or psychological aggression) in the home in the month prior to the survey; 28% were severely physically punished (hit or slapped on the face, head or ears or hit over and over with an implement). Children with disabilities were more likely to experience severe physical punishment. A study of 180 children who had lost their parent(s) due to HIV-related illnesses found that 70% of boys without a mother had experienced physical violence in the home in the month before the study, 62% of non-orphan boys; 60-70% of non-orphan girls reported being physically punished during the period.

Studies of young adults by the African Child Policy Forum found that many had experienced physical punishment as children. Among young women, 43% had been hit during their childhood, 66% beaten, 21% kicked, 31% denied food, 7% choked or burned and 18% forced to do hard work – most commonly by parents and close relatives. Among disabled respondents, more than 50% had been hit, punched, kicked or beaten, more than 25% made to eat hot chilli, pepper or very bitter food or drink, and more than 25% choked, burnt or stabbed.

Human rights jurisprudence on corporal punishment

**Treaty body recommendations/observations:** Committee on the Rights of the Child (2001, 2010).

**UPR:** The Government rejected the recommendation to prohibit all forms of corporal punishment (2013).

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26 12 October 2001, CRC/G/15/Add.144, Concluding observations on initial report, paras. 54 and 55; 18 February 2010, CRC/C/CMR/CO/2, Concluding observations on second report, paras. 7, 8, 37 and 38
27 5 July 2013, A/HRC/24/18, Report of the working group, para. 131(SB)
CENTRAL AFRICAN REPUBLIC
Child population: 2,117,200 (UNICEF, 2012)

Current legality of corporal punishment
Home (lawful): Article 580 of the Family Code 1997 states that parental authority includes the power “to reprimand and correct to the extent compatible with the age and level of understanding of the child”. Provisions against violence and abuse in the Family Code, the Penal Code 2010, the Constitution 2004, Imperial Order No. 79/077 covering protection of youth 1979, and Law No. 280 1961 are not interpreted as prohibiting corporal punishment in childrearing.

Day care (lawful): Corporal punishment is lawful under the power of those with parental authority to “reprimand and correct” in the Family Code 1997 (art. 580).

Schools (lawful): Imperial Order No. 78/034 (1978) provides for the physical and moral protection young persons in residential educational institutions or boarding schools, but it does not prohibit corporal punishment.

Law reform under way
A new Family Code has been drafted and in 2012 was under consideration by the Parliamentary Gender Commission: we have yet to verify reports that it would prohibit corporal punishment. The Criminal Code is being revised and a new Child Protection Code is being drafted. We do not know if prohibition of corporal punishment is being proposed in the context of these reforms. A National Transitional Council is currently in power and the process of law reform has been delayed.

Prevalence/attitudinal research in the last ten years
According to statistics collected in 2010-2011 under round 4 of the UNICEF Multiple Indicator Cluster Survey programme (MICS4), 92% of 2-14 year olds were violently “disciplined” (using physical punishment and/or psychological aggression) in the home in the month prior to the survey, with 37% being severely physically punished (hit or slapped on the face, head or ears or hit over and over with an implement). UNICEF’s major 2010 analysis of data on child discipline in home in the month prior to the survey, with 37% being severely physically punished (hit or slapped on the face, head or ears or hit over and over with an implement).

Human rights jurisprudence on corporal punishment
Treaty body recommendations/observations: Committee on the Rights of the Child (2000), 32

CHAD
Child population: 6,904,600 (UNICEF, 2012)

Current legality of corporal punishment
Home (lawful): According to article 222 of the Constitution 1996 (amended 2005), international treaties have supremacy over domestic legislation when they are ratified and published. However, corporal punishment is not explicitly prohibited in law and provisions against violence and abuse in the Penal Code, the Constitution and Act No. 06/PR/2002 on the promotion of reproductive health are not interpreted as prohibiting corporal punishment in childrearing.

Alternative care settings (partially prohibited): Corporal punishment is reportedly prohibited by law in public institutions (information unconfirmed).33 There is no explicit prohibition of corporal punishment in other forms of alternative care.

Day care (partially prohibited): Corporal punishment is reportedly prohibited by law in public institutions (information unconfirmed).33 There is no explicit prohibition of corporal punishment in other early childhood care and in day care for older children.

Schools (unlawful): Corporal punishment is considered unlawful in schools under Law No. 016/PR/06 on the education system (art. 113): “The right to physical and moral integrity of pupils and students is guaranteed. As such, the following are prohibited: – physical abuse or any other form of violence or humiliation…”

Penal institutions (unlawful): Corporal punishment is reportedly prohibited by law in public institutions (information unconfirmed).33 Decree No. 269/PR/MSIS/IGBP/1995 on the Code of ethics of the national police limits the use of force to what is strictly necessary and commensurate to the goal to be achieved (art. 9), and prohibits violence and inhuman or degrading treatment against persons under the responsibility of the police (art. 10), but it does not explicitly prohibit corporal punishment.

Sentence for crime (unlawful): There is no provision for judicial corporal punishment in criminal law.

Law reform under way
National laws are being reviewed with a view to harmonisation with international standards. A draft Child Protection Code is under discussion, as well as a draft Code on the Person and the Family, a draft Criminal Code, a draft revised Code of Criminal Procedure. Proposed amendments to the Criminal Code address harmful practices but do not include prohibition of corporal punishment; we do not know if prohibition has been proposed in the context of the Child Protection Code Bill.34

Law reform necessary to achieve prohibition in Chad
Prohibition of all corporal punishment in the home, alternative care settings, day care and penal institutions.

32 18 October 2000, DRC/G75/Add.138, Concluding observations on initial report, para. 44 and 45
34 Ibid.
35 Ibid.
36 Ibid, para. 582
Prevalence/attitudinal research in the last ten years
According to statistics collected under round 4 of the UNICEF Multiple Indicator Cluster Survey programme (MICS4), in 2009 84.3% of 2-14 year olds were violently “disciplined” (using physical punishment and/or psychological aggression) in the month prior to the survey, with 41.1% being severely physically punished (hit or slapped on the face, head or ears or hit over and over with an implement).37

Human rights jurisprudence on corporal punishment

UPR: The Government accepted the first cycle recommendation to prohibit corporal punishment in all settings (2009)41 but rejected the second cycle recommendation to prohibit in all settings (2013).42

CÔTE D’IVOIRE
Child population: 2,111,600 (UNICEF, 2012)

Current legality of corporal punishment
Home (lawful): The Minority Act 1970 regulates “paternal authority” and states that this includes the right and obligation to provide for the child’s maintenance, training, education and monitoring. It does not confirm a “right” of parents to punish or discipline children but neither does it explicitly prohibit the use of corporal punishment. Provisions against violence and abuse in the Penal Code 1995 and Act No. 98-757 on violence against women are not interpreted as prohibiting corporal punishment in childrearing.

Alternative care settings (lawful): There is no explicit prohibition of corporal punishment.

Day care (lawful): There is no explicit prohibition of corporal punishment.

Law reform under way
In 2011, the Personal and Family Code, the Criminal Code and the Criminal Procedure Code were under review: we do not know if prohibition of corporal punishment has been proposed in the context of these reforms. A draft new Family Code was being discussed but as at 2011 it did not include prohibition of corporal punishment. When the schools ministerial order was signed in 2009 it was expected that the Ministerial Order would be confirmed in legislation but as yet law reform has not been achieved.

Prevalence/attitudinal research in the last ten years
UNICEF’s major 2010 analysis of data on child discipline in the home in 2005-2006 found that 91% of 2-14 year olds in Côte d’Ivoire were violently “disciplined” (using physical punishment and/or psychological aggression) in the month prior to the survey; more than one in five was severely physically punished (hit or slapped on the face, head or ears or hit over and over with an implement).43

Prohibition of corporal punishment
Corporal punishment is prohibited in all settings, including the home. Article 53 of Law No. 4-2010 on the Protection of the Child 2010 states: “It is forbidden to use corporal punishment to discipline or correct the child.” Article 107 states that persons who inflict cruel, inhuman or degrading punishment on children are liable to the penalties in the Penal Code. Article 130 states that international conventions ratified by the Republic of Congo on the rights of the child are an integral part of this law; article 131 repeals all previous laws in conflict with the new law.

Law reform necessary to achieve prohibition in Côte d’Ivoire
Prohibition of all corporal punishment in the home, alternative care settings, day care, schools and penal institutions.

Prevalence/attitudinal research in the last ten years
According to statistics collected under round 4 of the UNICEF Multiple Indicator Cluster Survey programme (MICS4), in 2009 84.3% of 2-14 year olds were violently “disciplined” (using physical punishment and/or psychological aggression) in the month prior to the survey, with 41.1% being severely physically punished (hit or slapped on the face, head or ears or hit over and over with an implement).37

Human rights jurisprudence on corporal punishment
No recommendations on corporal punishment.

38 24 August 1999, CRC/C/15/Add.107, Concluding observations on initial report, paras. 25; 12 February 2009, CRC/C/TCD/CO/2, Concluding observations on second report, paras. 43 and 44
39 4 June 2009, CAT/C/TCD/CO/1, Concluding observations on initial report, para. 32
40 [April 2014], CCR/P/C/CD/2/Advance Unedited Version, Concluding observations on second report, para. 14
41 5 October 2009, A/HRC/12/25, Report of the working group, para. 83(7)
42 31 October 2013, A/HRCWG.6/15/L.12 Unedited Version, Draft report of the working group, para. 110(6)
43 20 October 2006, CRC/C/CtCD/CO/2, Concluding observations on initial report, paras. 37, 38 and 39; 31 January 2014, CRC/C/CtCD/CO/2-4 Advance Unedited Version, Concluding observations on second to fourth state party report, paras. 40 and 41
Current legality of corporal punishment

**Home (lawful):** Article 326(4) of the Family Code 1987 states that “a person exercising parental authority may inflict reprimands and punishments on the child to an extent compatible with its age and the improvement of its conduct”. Provisions against violence and abuse in the Criminal Code 1940, the Family Code 1987 and the Constitution 2006 are not interpreted as prohibiting all corporal punishment in childrearing. Article 57 of the Child Protection Code 2009 confirms the right of the child to protection from all forms of violence and states that discipline in the home, schools and institutions should be administered with respect for the child’s humanity, but it does not explicitly prohibit corporal punishment.

**Alternative care settings (lawful):** Corporal punishment is lawful under the Family Code 1987 (art. 326). According to the Child Protection Code 2009 (art. 57), discipline in public and private care institutions should be administered humanely but the Code does not explicitly prohibit corporal punishment.

**Day care (lawful):** Corporal punishment is lawful under the Family Code 1987 (art. 326). According to the Child Protection Code 2009 (art. 57), discipline in public and private care institutions should be administered humanely but the Code does not explicitly prohibit corporal punishment.

Law reform under way

In 2011, a draft Revised Family Code was under consideration, following a review from a gender perspective. The draft was submitted to Parliament in 2013 but as at November 2013 had not been debated. We have yet to see the full text.

Prevalence/attitudinal research in the last ten years

In an interview study involving almost 1,500 adults in Goma, 57% reported having been slapped on the face by parents or other adults in the home as a child; 50% had been threatened with physical punishment in the home.45

Human rights jurisprudence on corporal punishment

**Treaty body recommendations/observations:** Committee on the Rights of the Child (2001, 2009).46

34 Prohibiting corporal punishment of children in West and Central Africa: progress report 2014 35
Prohibiting corporal punishment of children in West and Central Africa: progress report 2014

**GABON**

Child population: 731,200 (UNICEF, 2012)

Current legality of corporal punishment

**Home (lawful):** Legal provisions against violence and abuse are not interpreted as prohibiting corporal punishment in childrearing.

**Alternative care settings (lawful):** There is no explicit prohibition of corporal punishment.

**Day care (partially prohibited):** Corporal punishment is unlawful in preschool provision under the Law on Orientation of Education, Training and Research 2011 (art. 108), but it is not explicitly prohibited in other early childhood care and in day care for older children.

**Schools (unlawful):** Corporal punishment is unlawful under the Law on Orientation of Education, Training and Research 2011 (art. 108, unofficial translation): "Prohibited in schools and universities: Punishment or abuse and other forms of violence or humiliation...."

Law reform under way

In reporting in 2012 on the UPR recommendation to prohibit corporal punishment made in 2008, the Government stated that the Ministry of Social Affairs is developing a code of social action but also suggested that corporal punishment is punishable under existing law.51 We do not know if the proposed Code is expected to include explicit prohibition of corporal punishment.

Human rights jurisprudence on corporal punishment

**Treaty body recommendations/observations:** Committee on the Rights of the Child (2002),52 Committee Against Torture (2013).53

**UPR:** The Government neither accepted nor rejected the first cycle recommendation to prohibit corporal punishment in all settings (2008)54 but it accepted the second cycle recommendations to conduct awareness raising and to develop a national strategy to “fight the worst forms of corporal punishment” (2012).55

Law reform necessary to achieve prohibition in Gabon

Prohibition of all corporal punishment in the home, alternative care settings and day care.

51 8 August 2012, A/HRC/38/L.7/14/GAB/A/1, National report to the UPR, para. 48
52 1 February 2002, CRC/C/2/15/Add.1/1, Concluding observations on initial report, paras. 40 and 54
53 17 January 2013, CAT/C/GAB/CD/1, Concluding observations on initial report, paras. 25 and 26
55 13 December 2012, A/HRC/22/5, Report of the working group, paras. 101(37) and 101(85)

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**GAMBIA**

Child population: 941,400 (UNICEF, 2012)

Current legality of corporal punishment

**Home (lawful):** Under common law, which is part of the laws in Gambia under the Laws of England (Application) Act, parents, guardians and others in loco parentis can “reasonably chastise” their child. The Children’s Act 2005 includes the responsibility of parents to “ensure that domestic discipline is administered with humanity and in a manner consistent with the inherent dignity of the child” (art. 22). The Act specifies the duty of “any person having custody of a child to protect the child from discrimination, violence, abuse and neglect” (art. 21); it defines child abuse as “contravention of the rights of the child which causes physical or mental harm to the child” (art. 2) and prohibits “any social and cultural practices that affect the welfare, dignity, normal growth and development of the child” (art. 19). But the Act does not explicitly prohibit corporal punishment nor repeal the common law defence of “reasonable chastisement”.

The Women’s Act 2010 protects women and girls from all forms of violence but does not prohibit all corporal punishment. The Domestic Violence Act 2013 addresses gender based violence. It includes in the definition of physical abuse “physical assault or use of physical force against another person … or subjecting another person to torture or other cruel, inhuman or degrading treatment or punishment” (s3), but it does not explicitly prohibit all corporal punishment in childreearing.

**Alternative care settings (lawful):** There is no explicit prohibition of corporal punishment. Those with parental authority must ensure that discipline respects the dignity of the child under the Children’s Act 2005 (art. 22), but the common law defence of “reasonable chastisement” is available.

**Day care (lawful):** There is no explicit prohibition of corporal punishment. Those with parental authority must ensure that discipline respects the dignity of the child under the Children’s Act 2005 (art. 22), but the common law defence of “reasonable chastisement” is available.

**Schools (lawful):** The Education Regulations under the Education Act state (art. 15): “(1) Firm discipline shall be maintained and enforced in all schools, but all degrading and injurious punishments are prohibited, and no child shall receive corporal punishment of any form save as is hereinafter in this regulation provided.” Under paragraphs 2-4, corporal punishment should be administered only by the head teacher or an assistant teacher in the presence of the head teacher, to female pupils only in exceptional circumstances and then only by a female teacher, and logged in a designated book. A ministerial directive advises against corporal punishment in schools but there is no prohibition in law.

**Penal institutions (lawful):** The Children’s Act 2005 protects children in conflict with the law from violence (arts. 210 and 212) but there is no explicit prohibition of corporal punishment.

Law reform necessary to achieve prohibition in Gambia

Prohibition of all corporal punishment in the home, alternative care settings, day care, schools and penal institutions.

Explicit repeal of the “reasonable chastisement” defence (common law).

Repeal of provisions authorising corporal punishment in schools (Education Regulations).

Law reform under way

Under paragraphs 2-4, corporal punishment should be administered only by the head teacher or an assistant teacher in the presence of the head teacher, to female pupils only in exceptional circumstances and then only by a female teacher, and logged in a designated book. A ministerial directive advises against corporal punishment in schools but there is no prohibition in law.

Explicit repeal of the “reasonable chastisement” defence (common law).

Repeal of provisions authorising corporal punishment in schools (Education Regulations).

51 8 August 2012, A/HRC/38/L.7/14/GAB/A/1, National report to the UPR, para. 48
52 1 February 2002, CRC/C/2/15/Add.1/1, Concluding observations on initial report, paras. 40 and 54
53 17 January 2013, CAT/C/GAB/CD/1, Concluding observations on initial report, paras. 25 and 26
55 13 December 2012, A/HRC/22/5, Report of the working group, paras. 101(37) and 101(85)
Prevalence/attitudinal research in the last ten years

The Gambia Multiple Indicator Cluster Survey (MICS) in 2010 found that 90% 2-14 year olds had been physically and/or psychologically punished by their mothers/caregivers or other household members in the past month; 18% had been severely physically punished (hit or slapped on the face, head or ears or hit over and over with an implement).55 UNICEF's major analysis of data on child discipline in the home in 2005-2006 found that 87% of 2-14 year olds were violently “disciplined” (using physical punishment and/or psychological aggression) in the month prior to the survey; nearly a quarter were severely physically punished (hit or slapped on the face, head or ears or hit over and over with an implement).56 In a questionnaire study involving 878 children, 265 teachers and 426 parents, children reported that corporal punishment is used in 70% of schools; 68% of students were beaten at school sometimes, 8% often and 14% very often; children were beaten on the back, buttocks, head, face and all over their bodies; 73% of teachers reported beating students rarely, 17% often and 9% very often.57

Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (2001).58

UPR: The Government did not clearly accept or reject the recommendation on corporal punishment (2010).59

Current legality of corporal punishment

Home (lawful): The Children's Act 1998 prohibits “cruel, inhuman or degrading treatment or punishment including any cultural practice which dehumanises or is injurious to the physical and mental well-being of a child” (art. 13(1)) but allows for a degree of “reasonable” and “justifiable” punishment of children, stating that “no correction of a child is justifiable which is unreasonable in kind or in degree according to the age, physical and mental condition of the child and no correction is justifiable if the child by reason of tender age or otherwise is incapable of understanding the purpose of the correction” (art. 13(2)). Provisions against violence and abuse in the Constitution 1992, the Criminal Code 1960, the Domestic Violence Act 2007 and the Children's Act 1998 are not interpreted as prohibiting all corporal punishment in childrearing.

Alternative care settings (lawful): Corporal punishment is lawful under provisions allowing “reasonable” and “justifiable” correction in the Children's Act 1998 (art. 13).

Schools (lawful): Pursuant to the Education Act 1961, the Ghana Education Code of Discipline for second cycle school provides for caning up to six strokes by a head teacher or person authorised by the head. Article 13(2) of the Children's Act 1998 also applies. Ministerial directives advise against the use of corporal punishment in schools but this has not been confirmed in legislation.

Penal institutions (partially prohibited): Corporal punishment is prohibited in prisons under the Prisons Service Decree 1972. Article 13 of the Children's Act 1998 prohibits cruel, inhuman and degrading punishment but there is no explicit prohibition of corporal punishment as a disciplinary measure in borstal institutions and industrial institutions established under the Juvenile Justice Act 2003.

Sentence for crime (unlawful): There is no provision for judicial corporal punishment in criminal law.

Law reform under way

The Constitution is under review. In its final report, published in 2011, the Constitution Review Commission acknowledged receipt of submissions concerning the need for clarity regarding discipline of children but did not recommend that prohibition be included in the new Constitution.60 It made a general recommendation that the Children's Act be “substantially revised”. The Government went on to reject the majority of recommendations that the Commission made concerning children's rights, stating that “[t]here are enough laws which address the concerns of children and the challenge has to do with enforcing them”.61

Law reform necessary to achieve prohibition in Ghana

Prohibition of all corporal punishment in the home, alternative care settings, day care, schools and penal institutions.

Repeal of provisions for “justifiable” and “reasonable” correction (Children's Act 1998).

Repeal of provisions authorising corporal punishment in schools (Education Act, Education Code of Discipline).


GHANA

Child population: 11,423,500 (UNICEF, 2012)

Current legality of corporal punishment

Home (lawful): The Children's Act 1998 prohibits "cruel, inhuman or degrading treatment or punishment including any cultural practice which dehumanises or is injurious to the physical and mental well-being of a child" (art. 13(1)) but allows for a degree of “reasonable” and “justifiable” punishment of children, stating that “no correction of a child is justifiable which is unreasonable in kind or in degree according to the age, physical and mental condition of the child and no correction is justifiable if the child by reason of tender age or otherwise is incapable of understanding the purpose of the correction” (art. 13(2)). Provisions against violence and abuse in the Constitution 1992, the Criminal Code 1960, the Domestic Violence Act 2007 and the Children's Act 1998 are not interpreted as prohibiting all corporal punishment in childrearing.

Alternative care settings (lawful): Corporal punishment is lawful under provisions allowing “reasonable” and “justifiable” correction in the Children's Act 1998 (art. 13).

Schools (lawful): Pursuant to the Education Act 1961, the Ghana Education Code of Discipline for second cycle school provides for caning up to six strokes by a head teacher or person authorised by the head. Article 13(2) of the Children's Act 1998 also applies. Ministerial directives advise against the use of corporal punishment in schools but this has not been confirmed in legislation.

Penal institutions (partially prohibited): Corporal punishment is prohibited in prisons under the Prisons Service Decree 1972. Article 13 of the Children's Act 1998 prohibits cruel, inhuman and degrading punishment but there is no explicit prohibition of corporal punishment as a disciplinary measure in borstal institutions and industrial institutions established under the Juvenile Justice Act 2003.

Sentence for crime (unlawful): There is no provision for judicial corporal punishment in criminal law.

Law reform under way

The Constitution is under review. In its final report, published in 2011, the Constitution Review Commission acknowledged receipt of submissions concerning the need for clarity regarding discipline of children but did not recommend that prohibition be included in the new Constitution.60 It made a general recommendation that the Children's Act be “substantially revised”. The Government went on to reject the majority of recommendations that the Commission made concerning children's rights, stating that “[t]here are enough laws which address the concerns of children and the challenge has to do with enforcing them”.61

Law reform necessary to achieve prohibition in Ghana

Prohibition of all corporal punishment in the home, alternative care settings, day care, schools and penal institutions.

Repeal of provisions for "justifiable" and "reasonable" correction (Children's Act 1998).

Repeal of provisions authorising corporal punishment in schools (Education Act, Education Code of Discipline).
In a 2012 study by Plan International, 75% of children said teachers were the main perpetrators of violence in schools. A survey of 2,314 parents, students and graduates carried out by the Campaign for Female Education found that 94% of parents, 92% of students and 89% of female graduates supported corporal punishment in schools and 64% of teachers said it must be tolerated. In a survey carried out by ActionAid in collaboration with Songtaba in 2009, seven boys in eight thought that corporal punishment, such as being caned, having their ears pulled or forced to kneel, weed or dig pits, was necessary, while more than a quarter of the girls interviewed said they would absent themselves from school because of the fear of punishment. A study analysing the impact of ActionAid’s 2008-2013 project “Stop Violence Against Girls in School” found that the use of some forms of corporal punishment had reduced, with 47% of girls being beaten in schools in 2013, compared with 56% in 2009. A Government report involving 4,164 children found that 81% of children experienced corporal punishment in the home and that at school, caning was the main punishment, experienced by 73% of children. Another study, 61.4% of children in private schools reported experiencing physical punishment at the hands of parents or primary caregivers; 70.9% said school was the place where they were most likely to be physically punished.

Other research studies have documented corporal punishment in psychiatric hospitals and care camps and in care institutions.

### Current legality of corporal punishment

#### Home (lawful):

The Children’s Code 2008 prohibits “all forms of physical and psychological maltreatment” in the family, in the home and in schools and institutions (art. 403). However, it does not explicitly prohibit corporal punishment and there is no evidence that all corporal punishment in childrearing and education, however light, would be considered as “maltreatment”. There is no legal defence for the use of corporal punishment by parents in the Civil Code 1983 (unconfirmed) or the Penal Code 1988 but the Penal Code provisions against assault (arts. 299, 300 and 301) are not interpreted as prohibiting all corporal punishment of children, however light.

#### Alternative care settings (lawful):

There is no explicit prohibition of corporal punishment.

#### Law reform under way

In 2010, a draft revised Civil Code was under consideration and there is an ongoing process of harmonising legislation with international human rights standards, including a review of laws relating to the justice system, but we have no information regarding proposals, if any, relating to corporal punishment of children in these contexts.

### Prohibition of corporal punishment

The Government accepted recommendations to prohibit all corporal punishment in all settings (2012).

### Treaty body recommendations/observations


### Human rights jurisprudence on corporal punishment

#### Prevalence/attitudinal research in the last ten years

According to statistics collected in 2010-2011 under round 4 of the UNICEF Multiple Indicator Cluster Survey programme (MICS4), 94% of 2-14 year olds had experienced violent “discipline” (physical punishment and/or psychological aggression) in the home in the past month; 14% experienced severe physical punishment (being hit or slapped on the face, head or ears or being hit over and over with an implement). UNICEF’s 2010 analysis of data on child discipline from 2005-2006 found that 90% of 2-14 year olds were violently “disciplined” in the home in the month prior to the survey; 10% were severely physically punished. Children with disabilities were more likely to experience severe physical punishment.

### GUINEA

Child population: 5,626,900 (UNICEF, 2012)

#### Current legality of corporal punishment

**Home (lawful):** The Children’s Code 2008 prohibits “all forms of physical and psychological maltreatment” in the family, in the home and in schools and institutions (art. 403). However, it does not explicitly prohibit corporal punishment and there is no evidence that all corporal punishment in childrearing and education, however light, would be considered as “maltreatment”. There is no legal defence for the use of corporal punishment by parents in the Civil Code 1983 (unconfirmed) or the Penal Code 1988 but the Penal Code provisions against assault (arts. 299, 300 and 301) are not interpreted as prohibiting all corporal punishment of children, however light.

**Alternative care settings (lawful):** There is no explicit prohibition of corporal punishment.

#### Law reform under way

In 2010, a draft revised Civil Code was under consideration and there is an ongoing process of harmonising legislation with international human rights standards, including a review of laws relating to the justice system, but we have no information regarding proposals, if any, relating to corporal punishment of children in these contexts.

### Prohibition of corporal punishment

The Government accepted recommendations to prohibit all corporal punishment in all settings (2012).

### Treaty body recommendations/observations


### Human rights jurisprudence on corporal punishment

#### Treaty body recommendations/observations


#### Prohibition of corporal punishment

Law reform necessary to achieve prohibition in Guinea

Prohibition of all corporal punishment in the home, alternative care settings, day care, schools and possibly penal institutions.

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63 Ghana Statistical Service (2011), Ghana Multiple Indicator Cluster Survey with an Enhanced Malaria Module and Biomarker, Accra: Ghana Statistical Service
66 Plan International West Africa (2012), United We Stand: Children’s Views on Corporal Punishment, Accra
67 ActionAid International (2013), Stop Violence Against Girls in School: A cross-country analysis of change in Ghana, Kenya and Mozambique, Johannesburg: ActionAid
68 Reported in Modern Ghana, 6 September 2011, www.modernghana.com
69 ActionAid International (2001), Stop Violence Against Girls in School: A cross-country analysis of change in Ghana, Kenya and Mozambique, Johannesburg: ActionAid
70 Reported in “Eighty-nine per cent of children believe in correction when at fault – IRAD Report”, Business Ghana, 18 August 2011
71 Plan International West Africa (2012), United We Stand: Children’s Views on Corporal Punishment, Accra
72 Ghana Multiple Indicator Cluster Survey with an Enhanced Malaria Module and Biomarker
73 UNICEF’s 2010 analysis of data on child discipline from 2005-2006
75 Human rights jurisprudence on corporal punishment
76 The Government accepted recommendations to prohibit all corporal punishment in all settings (2012).
GUINEA-BISSAU

Child population: 801,200 (UNICEF, 2012)

Current legality of corporal punishment

Home (lawful): The Government has reported that the provision in the Civil Code 1884 for parents to “moderately correct their child in the latter’s mistakes” was repealed (information unconfirmed). However, there is no explicit prohibition of corporal punishment and provisions against violence and abuse in the Penal Code 1993 are not interpreted as prohibiting corporal punishment of children.

Alternative care settings (lawful): There is no explicit prohibition of corporal punishment.

Day care (lawful): There is no explicit prohibition of corporal punishment in early childhood care and in day care for older children.

Schools (unlawful): In 2002, the Government informed the Committee on the Rights of the Child that corporal punishment is prohibited in schools but gave no details of legislation. We have been unable to verify this assertion.

Penal institutions (unlawful): Corporal punishment is reportedly prohibited as a disciplinary measure in penal institutions, but we have been unable to confirm this.

Sentence for crime (unlawful): There is no provision for judicial corporal punishment in criminal law.

Law reform under way

There is an ongoing process of laws being harmonised with the UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. A Domestic Violence Bill is under consideration but we have no details of its provisions. The Government has stated its intention to submit a bill to parliament prohibiting corporal punishment. Drafting of a comprehensive Code on the Protection of Children is planned.

Prevalence/attitudinal research in the last ten years

UNICEF’s 2010 analysis of data on child discipline in the home in 2005-2006 found that 82% of 2-14 year olds experienced violent “discipline” (physical punishment and/or psychological aggression) in the month prior to the survey; 30% experienced severe physical punishment (being hit or slapped on the face, head or ears or being hit over and over with an implement). 28 May 2002, CRC/C/SR.71, Summary record of 71st session, para. 28

Human rights jurisprudence on corporal punishment


LIBERIA

Child population: 2,073,400 (UNICEF, 2012)

Current legality of corporal punishment

Home (lawful): Provisions against violence and abuse in the Penal Code 1976 and the Constitution 1986 are not interpreted as prohibiting corporal punishment of children. The Children’s Law 2011 states that parents must “respect the child’s dignity and refrain from administering domestic discipline that violates such dignity or adversely affects the psychosocial or physical well-being of any child living in the household” (art. 4(1.3)). But it does not explicitly prohibit all corporal punishment and it allows for “justifiable” corporal punishment (art. 7(7)): “(1) No person shall subject a child to torture or other cruel, inhuman or degrading treatment or punishment. (2) Any correction or punishment of a child shall be justifiable for the child concerned. (3) No correction of a child is justifiable for any child if it is unreasonable in kind or in degree relative to the age, physical and mental condition of the child and no correction is justifiable if the child by reason of tender age or otherwise is incapable of understanding the purpose and fairness of the correction. (4) The Ministry of Gender and Development shall progressively facilitate parental guidance programs aimed at developing the capacity of parents to discipline and guide their children without use of any form of violence.”

Alternative care settings (partially prohibited): The Child’s Law 2011 explicitly prohibits corporal punishment by child protection practitioners (art. 8(2)): “Every employer of a child protection officer shall incorporate into the child protection officer’s employment contract a code of conduct which mandates the employee to: … (k) refrain from physical punishment of a child under the child protection officer’s protection. …” But other carers may use corporal punishment under the provisions for “justifiable” correction (art. 7(7)).

Day care (partially prohibited): In early childhood care and in day care for older children, children are legally protected from corporal punishment by child protection practitioners under the Children’s Law 2011 (art. 8(2)). But other carers may use corporal punishment under the provisions for “justifiable” correction (art. 7(7)).

Schools (lawful): Corporal punishment is lawful under the provision for “justifiable correction” in the Children’s Law 2011 (art. 7(7)).

Penal institutions (unlawful): Corporal punishment is explicitly prohibited in the Children’s Law 2011 (art. 9(3.5)). The Criminal Procedure Code explicitly prohibits corporal punishment in prisons (art. 34(18)(2)).

Sentence for crime (unlawful): Corporal punishment is prohibited in the Children’s Law 2011 (art. 9(3.5)).

Law reform under way

There is an ongoing process of reviewing national laws so as to comply with international and regional human rights standards. We do not know if proposals to prohibit corporal punishment have been made in this context.

Prevalence/attitudinal research in the last ten years

According to UNICEF statistics collected between 2005 and 2011, 94% of girls and 94% of boys aged 2-14 experienced “violent discipline” (physical punishment and/or psychological aggression) in the home in the month prior to the survey.

Human rights jurisprudence on corporal punishment


Law reform necessary to achieve prohibition in Guinea-Bissau

Prohibition of all corporal punishment in the home, alternative care settings, day care and possibly schools and penal institutions.

Law reform necessary to achieve prohibition in Liberia

Prohibition of all corporal punishment in the home, alternative care settings, day care and schools. Repeal of provisions for “justifiable” correction (Children’s Law 2011).
Mali

Child population: 7,979,200 (UNICEF, 2012)

Current legality of corporal punishment

**Home (lawful):** The Family Relations Code 1973 stated that "the authority of the father comprises a right to custody, of management, surveillance and correction" (art. 84). The Code was replaced by the new Family Code 2009 (amended 2011) which does not include the right of correction, stating only that parents must ensure the "maintenance and education" of the child (art. 565). But this is a silent repeal and does not send a clear message that all corporal punishment in childrearing is unlawful. The Code on the Protection of the Child 2002 is not interpreted as prohibiting all corporal punishment in childrearing.

**Alternative care settings (lawful):** There is no explicit prohibition of corporal punishment.

**Day care (partially prohibited):** Corporal punishment is prohibited in preschools and kindergartens under internal regulation No. 94-5000 of 15 April 1994 (kindergartens), but there is no explicit prohibition in relation to other early childhood care and to day care for older children.

**Schools (unlawful):** Corporal punishment is unlawful under internal regulations No. 94-4856/MEB-CAB of 8 April 1994 (fundamental schools) and No. 94-4999/MEB/CAB (special education institutions).

**Penal institutions (unlawful):** Corporal punishment is considered unlawful but there is no explicit prohibition. The penitentiary system is governed by Decree No. 88-002 1988, article 105 of which forbids staff from using acts of violence, and punishments for disciplinary offences (art. 112) do not include corporal punishment. The Code on the Protection of the Child 2002 states that a child placed in a protective educational or rehabilitative institution, or in a place of detention, has the right to physical and moral protection (art. 14) but does not explicitly prohibit corporal punishment.

**Sentence for crime (unlawful):** There is no provision for judicial corporal punishment in criminal law.

Law reform necessary to achieve prohibition in Mali

Prohibition of all corporal punishment in the home, alternative care-settings, day care and penal institutions.

**UPR:** The Government accepted a recommendation to "adopt effective measures to combat" corporal punishment (2008).86

**Prevalence/attitudinal research in the last ten years:** According to UNICEF statistics collected between 2005 and 2012, 87% of children aged 2-14 experienced "violent discipline" (physical punishment and/or psychological aggression) in the home in the month prior to the survey.88

Mauritania

Child population: 1,771,500 (UNICEF, 2012)

Current legality of corporal punishment

**Home (lawful):** Provisions against violence and abuse in the Criminal Code 1983, the law "sur la traite des personnes" 2003, the Personal Status Code 2001 and the Constitution 1991 are not interpreted as prohibiting all corporal punishment of children. Order No. 2005-015 of 5 December 2005 on the judicial protection of children punishes the subjection of children to torture or to acts of barbarity and provides for harsh sentences if the offence is committed repeatedly or if it results in damage, mutilation, disability or death (art. 11), but it does not prohibit corporal punishment. In 2009, a Fatwa was issued against corporal punishment of children but it has not been followed by law reform.89

**Alternative care settings (lawful):** Children have limited protection under the Fatwa against corporal punishment, but there is no explicit prohibition of corporal punishment in law.

**Day care (lawful):** Children have limited protection under the Fatwa against corporal punishment, but there is no explicit prohibition of corporal punishment in law.

**Schools (lawful):** The Ministry of Education has stated that corporal punishment should not be used (Decision No. 701 MEN/PR of 4 November 1968, art. 17), but there is no explicit prohibition in law.

**Penal institutions (lawful):** There are general provisions against violence but there is no explicit prohibition of corporal punishment. Decree No. 2003-1524 (2003) on the structural regulations of rehabilitation centres for children in conflict with the law contains provisions on the rights of the child but we have no further details.

**Sentence for crime (lawful):** The Criminal Code 1983 provides for punishments of amputation, flogging and retribution in kind (e.g. arts. 7 and 285). Order No. 2005-013 on the judicial protection of children states that the penalties imposed on children aged 15 to 18 may not exceed half of the adult sentences, but it does not prohibit corporal punishment.

Law reform necessary to achieve prohibition in Mauritania

Prohibition of all corporal punishment in the home, alternative care settings, day care, schools, penal institutions and as a sentence for crime.

**UPR:** The Government did not respond to recommendations to prohibit corporal punishment (2010).90

86 2 November 1969, CRC/C/15/Add.113, Concluding observations on initial report, paras. 25, 3 May 2007, CRC/C/MUS/CO/2, Concluding observations on second report, paras. 6, 39 and 40
88 “On the Prohibition of Excessive Child Beating in Islamic Shariah (Law): Abstract of a comprehensive social, educational and legal study of the negative impact of child beating, and the rules governing it in Islamic Shariah (Law),” prepared by Professor Imam Hadd Amin Ould Al-Salek, Imam of the Old Mosque, Nouakchott, and President of the Imams and Ulema Coalition for the Rights of Women and Children in Mauritania, June 2009
90 6 November 2001, CRC/C/15/Add.139, Concluding observations on initial report, paras. 29 and 30; 17 June 2009, CRC/C/MRT/CO/2 Concluding observations on second report, paras. 40, 41 and 74
91 18 June 2013, CAT/C/MRT/CO/1, Concluding observations on initial report, para. 25
92 11 June 2007, CEDAW/C/MRT/CO/1, Concluding observations on initial report, paras. 29 and 30
93 21 November 2013, CDPRT/MRT/CO/1, Concluding observations on initial report, para. 18
94 4 January 2011, A/HRC/16/17, Report of the working group, paras. 92(30), 92(39), 92(40), 92(42) and 92(45)
NIGER
Child population: 9,679,000 (UNICEF, 2012)

Current legality of corporal punishment


Alternative care settings (lawful): There is no explicit prohibition of corporal punishment.

Day care (lawful): There is no explicit prohibition of corporal punishment.

Law reform under way

A draft Children's Code is under discussion which would prohibit corporal punishment in all settings including the home. Article 256 states (unofficial translation): "Every child has the right not to be subjected to torture, cruel, inhuman or degrading treatment or any other form of violence and abuse particularly harmful traditional practices, including corporal punishment." Article 453 states: "Physical and psychological abuse, corporal punishment and deliberate neglect are liable to the penalties in paragraph 1 of article 452 above [punishing violence, including mild and repeated violence]." Article 470 states: "Corporal punishment and other forms of violence or abuse are prohibited in schools, vocational training and institutions." The same article confirms that the prohibition applies to all institutions, including for children with disabilities, shelters, hospitals and any other place for temporarily or permanently providing childcare. Drafting of a Family Code began in 1976 but has not been completed.

Human rights jurisprudence on corporal punishment


UPR (2011): The Government accepted a recommendation to implement the recommendations made by the Committee on the Rights of the Child on corporal punishment (2011).96

NIGERIA
Child population: 85,406,000 (UNICEF, 2012)

Current legality of corporal punishment

Note: The legal system in Nigeria is a mix of Islamic law, English common law and customary/native law. In the southern states, criminal laws dating from before Independence in 1960 remain in force; in the northern states, criminal laws enacted during the settlement of 1960 are still in force, together with Shari’a laws enacted following the adoption of the 1999 Constitution. The Federal Child Rights Act 2003 is in force only in the Federal Capital Territory of Abuja and in states which have explicitly enacted it, a process in which it may also be modified. Child legislation in states which have not yet adopted the 2003 Act is based on the Children and Young Persons Law, enacted originally in 1943 and extended to the Northern Region in 1958.

Home (lawful): The Criminal Code (South) states (art. 295): "A blow or other force, not in any case extending to a wound or grievous harm, may be justified for the purpose of correction as follows: (1) a father or mother may correct his or her legitimate or illegitimate child, being under sixteen years of age, for misconduct or disobedience to any lawful command; (2) a master may correct his servant or apprentice, being under sixteen years of age, for misconduct or default in his duty as such servant or apprentice;... (4) a father or mother or guardian, or a person acting as a guardian, may delegate to any person he or she entrusts permanently or temporarily with the governance or custody of his or her child or ward all his or her own authority for correction, including the power to determine in what cases correction ought to be inflicted; and such a delegation shall be presumed, except in so far as it may be expressly withheld, in the case of a schoolmaster or a person acting as a schoolmaster, in respect of a child or ward." The Penal Code (North) states (art. 55): "(1)(a) Nothing is an offence which does not amount to the infliction of grievous hurt upon any person and which is done: by a parent or guardian for the purpose of correcting his child or ward, such child or ward being under eighteen years of age." These provisions are also confirmed in the Shari’a penal codes in the Northern states. The Child Rights Act 2003 states that every child is entitled to respect for the dignity of his person and no child shall be “subjected to physical, mental or emotional injury, abuse, neglect or maltreatment, including sexual abuse "subjected to torture, inhuman or degrading treatment or punishment" (art. 11), but these provisions are not interpreted as prohibiting all corporal punishment in childrearing. Similarly, child rights laws at state level prohibit corporal punishment which reaches a certain threshold of severity but are not interpreted as prohibiting all corporal punishment by parents.

Alternative care settings (lawful): Corporal punishment is lawful under the Criminal Code (South), the Penal Code (North) and the Shari’a Penal Codes in the north.

Schools (lawful): Corporal punishment is lawful under article 295(4) of the Criminal Code (South) (art. 295(4)) and the Penal Code (North) (art. 55): “Nothing is an offence which does not amount to the infliction of grievous hurt upon any person and which is done by a schoolmaster for the purpose of correcting a child under eighteen years of age entrusted to his charge." The Lagos State Child Rights Act reportedly prohibits corporal punishment in schools (unconfirmed).97

Penal institutions (partially prohibited): Corporal punishment is unlawful under the Child Rights Act 2003 (art. 221), but there is no explicit prohibition applicable in all states. We have no details of provisions in the federal Prisons Act 1990.

95 18 June 2009, CRC/C/NER/CO/2: Concluding observations on second report, paras. 5, 6, 37 and 38
97 Information provided to the Global Initiative, July 2014
Sentence for crime (partially prohibited): The Child Rights Act 2003 explicitly prohibits corporal punishment (art. 221), but it remains lawful in states which have modified or which have not adopted the Act. For example, in Akwa-Ibom, a child is defined as 16 and under and older children may be sentenced, as adults, to corporal punishment; in Jigawa, a child is defined with reference to puberty and is therefore liable to judicial corporal punishment under Shari’a criminal laws.

As at March 2014, 26 of the 36 states had enacted child rights laws pursuant to the Child Rights Act 2003. Children in states which have not adopted the Act are liable to be sentenced to corporal punishment under the Children and Young Persons Law (arts. 9 and 11). Additionally, in southern states, corporal punishment is available as a sentence under the Criminal Code Act 1916 (art. 18, 27, 218-222, 225A, 330, 334, 358 and 359), the Criminal Procedure Act 1945 (arts. 302, 385-388, 419 and 427). In the north, Muslim children from the age of puberty may be sentenced to lashing, caning, amputation, blinding and other serious wounding under Shari’a law. Non-Muslim children in northern states may be sentenced to corporal punishment (caning) under the Penal Code 1960 and the Criminal Procedure Code 1960.

Law reform under way
The Constitution 1999 is under review and in this context proposals have been made to make the Child Rights Act 2003 automatically applicable in all states. Draft legislation based on the Act has been under consideration in a number of states. Other laws under review include the Children and Young Persons Law, the Penal Code, the Criminal Procedure Code and the Shari’a Penal Code. A Harmonised Shari’a Penal Code and a Harmonised Shari’a Criminal Procedure Code have been drafted but have not been widely adopted. The Harmonised Shari’a Penal Code provides for punishments of caning, retaliatory wounding, and amputation (art. 93). Canning is specified as punishment for virtually every offence in the Code and it may be ordered by any court on any offender in addition to or in lieu of any other punishment except death (art. 100). A person aged 7-17 may be sentenced to caning up to 20 lashes instead of the punishment specified in the Code (art. 95(1)). The Code punishes the offence of causing grievous hurt with qisas (retaliation) (arts. 215 and 219), theft and hirabah with amputation (arts. 144 and 152).

Prevalence/attitudinal research in the last ten years
According to statistics collected under round 4 of the UNICEF Multiple Indicator Cluster Survey programme (MICS4), in 2010 91% of 2-14 year olds were violently “disciplined” (using physical punishment and/or psychological aggression) in the month prior to the survey, with 34% being severely physically punished (hit or slapped on the face, head or ears or hit over and over with an implement). A report carried out at the end of the Transforming Education for Girls in Nigeria and Tanzania (TEGINT) project (2007-2012) found that in Nigeria 71% of community members and 72% of girls agreed “it is not okay for teachers to whip a girl who comes late to school because she was caring for a sick relative”.

Human rights jurisprudence on corporal punishment
Treaty body recommendations/observations: Committee on the Rights of the Child (1996, 2005, 2010),

Law reform necessary to achieve prohibition in Nigeria
Prohibition of all corporal punishment in the home, alternative care settings, day care, schools, penal institutions and as a sentence for crime.
Repeal of the right to use force in “correcting” children (Criminal Code (South), Penal Code (North), Shari’a Penal Codes).

Law reform necessary to achieve prohibition in Sao Tome and Principe
Prohibition of all corporal punishment in the home, alternative care settings, day care, penal institutions and possibly schools.

SAO TOME AND PRINCIPE
Child population: 89,800 (UNICEF, 2012)

Current legality of corporal punishment
Home (lawful): The Family Law No. 2/77 confirms the right of parents to punish children “appropriately and moderately” (art. 86). Provisions against violence and abuse in the Domestic Violence Law 2008, the Law reinforcing protection for victims of domestic violence 2008 and the Constitution 2003 are not interpreted as prohibiting all corporal punishment in childrearing. The Penal Code 2012 punishes cruelty against children (under 16) by parents, guardians and others charged with the care, custody or education of the child (art. 152) but it does not explicitly prohibit all corporal punishment in childrearing.

Alternative care settings (lawful): Corporal punishment is lawful under the right to punish children “appropriately and moderately” in the Family Law (art. 86).

Law reform under way
The Family Law is being revised: we do not know if prohibition has been proposed in this context.

Day care (lawful): There is no explicit prohibition of corporal punishment.

Schools (unlawful): Corporal punishment is reportedly unlawful in schools, but we have no details of applicable legislation.

Penal institutions (lawful): There appears to be no explicit prohibition of corporal punishment.

Sentence for crime (unlawful): There appears to be no provision for judicial corporal punishment in criminal law.

Human rights jurisprudence on corporal punishment

UPR: The Government accepted recommendations to prohibit corporal punishment in all settings (2011).
Current legality of corporal punishment

**Home (lawful):** The Family Code 1989 gives the right to the person having parental authority to inflict correction to a degree compatible with the child’s age and the correction of his/her behaviour (art. 285). Provisions against violence and abuse in the Criminal Code are not interpreted as prohibiting all corporal punishment in childrearing.

**Schools (partially prohibited):** Corporal punishment is prohibited in schools for children aged 6-14 in Decree No. 79-11.65 1979 but there is no explicit prohibition in other schools and the authority to “correct” a child in the Family Code 1989 (art. 285) potentially applies. During the UPR of Senegal in 2009, the Government stated that corporal punishment is prohibited in Koranic schools, but gave no details of the relevant law.

**Penal institutions (unlawful):** Corporal punishment is considered unlawful but there is no explicit prohibition. Article 100 of Decree No. 2001 (relative to the procedure of implementation and adjustment of the sanctions), applicable to prisons, states that “the personnel of the penal institutions can only employ force towards a prisoner in the case of violent resistance (by the inmate) or in the case of inertia to the orders given”.

**Sentence for crime (unlawful):** There is no provision for judicial corporal punishment in criminal law.

Law reform under way

A draft Children’s Code is currently under discussion, and in 2012 the Family Code and Penal Code were under review and there was a process of harmonising legislation with the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. We do not know if prohibition has been proposed in the context of these reforms. In reporting on the protection of children from corporal punishment to the Universal Periodic Review (UPR) in 2013, the Government stated that it had devised “a national action plan on legal reform to criminalize corporal punishment and all forms of violence against children”. However, following the review itself, a recommendation to explicitly prohibit corporal punishment by revising the Family Code was recorded – and accepted by the Government – only as a recommendation to fight against corporal punishment.

Human rights jurisprudence on corporal punishment


**UPR:** The Government accepted recommendations to protect children from corporal punishment (2009) and to “fight against corporal punishment in all places” (2013).

Prevalence/attitudinal research in the last ten years

In research on violence against children with disabilities published by the African Child Policy Forum in 2010, 60% of adults reported experiencing physical violence during their childhood, most commonly being hit, punched, kicked or beaten, and most commonly by mothers (20.5%) and fathers (15.8%). Another study in the same year found that hitting, beating and forced hard work were the most prevalent forms of violence against girls, and that most of the physical violence experienced by girls was corporal punishment: 52% of young women reported having been hit as children, 79% beaten, 21% kicked, 25% denied food and 16% choked or burned – most commonly by parents and close relatives. In a 2012 study by Plan International, 80% of children said that teachers were the main perpetrators of violence in schools. Physical punishment of children has also been documented in residential Koranic schools.

105 5 October 2009, A/HRC/11/24, Report of the working group, para. 60
106 23 July 2013, A/HRC/26/17/SEN/1, National report to the UPR, para. 102
107 11 December 2013, A/HRC/25/4, Report of the working group, para. 123.64
Current legality of corporal punishment

**Home (lawful):** The Prevention of Cruelty to Children Act 1926 states (art. 3): “Nothing in this Ordinance shall be construed to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child to administer punishment to such child.” In 2004, the Sierra Leone Truth and Reconciliation Commission recommended prohibition of corporal punishment in the home and schools. Under examination by the UN Human Rights Committee in 2014, the Government stated that corporal punishment of children is unlawful under the Child Rights Act 2007. But the Act does not repeal article 3 of the Prevention of Cruelty to Children Act 1926 and it provides for “reasonable” and “justifiable” correction (art. 33(2)): “No correction of a child is justifiable which is unreasonable in kind or in degree according to the age, physical and mental condition of the child and no correction is justifiable if the child by reason of tender age or otherwise is incapable of understanding the purpose of the correction.”

**Alternative care settings (lawful):** Corporal punishment is lawful under the Prevention of Cruelty to Children Act 1926 (art. 3) and the Child Rights Act 2007 (art. 33(2)).

**Day care (lawful):** Corporal punishment is lawful under the Prevention of Cruelty to Children Act 1926 (art. 3) and the Child Rights Act 2007 (art. 33(2)).

**Schools (lawful):** Corporal punishment is lawful under the Prevention of Cruelty to Children Act 1926 (art. 3) and the Child Rights Act 2007 (art. 33(2)). It should reportedly be inflicted by the principal only or by female teachers on girls, but we have been unable to identify specific legislation or regulations governing its administration. Despite the recommendations of the Sierra Leone Truth and Reconciliation Commission to prohibit corporal punishment in schools, the Education Act 2004 is silent on the issue. In 2013, the Government reported to the Committee on the Elimination of Discrimination Against Women that legislation permitting corporal punishment in schools had been repealed in 2007 but that parents and teachers were “still entitled to use ‘reasonable’ discipline methods”.

**Penal institutions (lawful):** Corporal punishment is unlawful under the Correctional Services Act 2014. We have yet to confirm that this applies to all institutions accommodating children in conflict with the law.


**Law reform under way**

The Constitution is under review: we do not know if prohibition of corporal punishment has been proposed in this context.

**Prevalence/attitudinal research in the last ten years**

UNICEF’s major 2010 analysis of data on child discipline in the home in 2005-2006 found that 92% of 2-14 year olds were violently “disciplined” (using physical punishment and/or psychological aggression) in the month prior to the survey, 25% severely physically punished (hit or slapped on the face, head or ears or hit over and over with an implement). Children with disabilities were more likely to experience severe physical punishment.

**Human rights jurisprudence on corporal punishment**

**Treaty body recommendations/observations:**

- Committee on the Rights of the Child (2000, 2008),
- Human Rights Committee (April 2014).

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117 17 March 2014, CCPR/C/SLE/CO/10, Summary record of 1049th meeting, para. 30
118 28 February 2014, CEDAW/C/SLE/200, Summary record of 1200th meeting, para. 20
121 24 February 2000, CRC/C/15/Add.116, Concluding observations on initial report, paras. 34, 35, 46 and 47; 20 June 2008, CRC/C/SLE/CO/2, Concluding observations on second report, paras. 35 and 36
122 11 June 2007, CEDAW/C/SLE/CO/5, Concluding observations on initial/second/third/fourth/fifth report, paras. 24 and 25; 28 February 2014, CEDAW/C/ SLE/CO/6, Concluding observations on sixth report, paras. 28 and 29
123 [April 2014], CCPR/C/SLE/CO/1 Advance Unedited Version, Concluding observations on initial report, para. 19
Prohibition of corporal punishment

Corporal punishment is prohibited in all settings, including the home. The Children’s Code 2007 protects children from all forms of violence perpetrated by parents or any other person having control or custody of the child (art. 333): “The state protects the child from all forms of violence including sexual abuse, physical or mental injury or abuse, abandonment or neglect, and ill treatment by parents or by any other person having control or custody over him” (unofficial translation). It explicitly includes corporal punishment among the forms of violence that are punishable (art. 357): “Physical and psychological abuse, corporal punishment, deprivation of care or withholding of food are punished by the penalties provided [above]” (unofficial translation). It also states (art. 376): “Corporal punishment and other forms of violence or abuse are prohibited in schools, vocational training, and institutions. This includes any institution or orphanage, rehabilitation centre for disabled children, reception and rehabilitation centre, hospital, re-education centre or other place of childcare, temporary or permanent.”

Prevalence/attitudinal research in the last ten years

UNICEF’s major 2010 analysis of data on child discipline in the home in 2005–2006, before the achievement of prohibition, found that 91% of 2–14 year olds were violently “disciplined” (using physical punishment and/or psychological aggression) in the month prior to the survey, with more than 25% being severely physically punished.124 In research conducted in schools from 2005, commissioned by Plan Togo, 88% of girls and 87% of boys or psychological aggression) in the month prior to the survey, with more than 25% being severely physically punished.124 In research conducted in schools from 2005, commissioned by Plan Togo, 88% of girls and 87% of boys reported experiencing threatening behaviour or psychological violence.125 Comparable research to show the impact of law reform to prohibit all corporal punishment is yet to be undertaken, but in a 2013 study of child domestic workers, 56% said they were physically punished by their employers.126

Human rights jurisprudence on corporal punishment


127 10 October 1997, CRC/C/15/Add.83, Concluding observations on initial report, paras. 17 and 40; 31 March 2005, CRC/C/15/Add.255, Concluding observations on second report, paras. 43 and 44; 8 March 2012, CRC/C/TGO/CO/3-4, Concluding observations on third/fourth report, paras. 43 and 44
128 28 July 2008, CAT/C/TGO/CO/1, Concluding observations on initial report, para. 19; 11 December 2012, CAT/C/TGO/CO/2, Concluding observations on second report, para. 19

Current legality of corporal punishment

Note: St Helena, Ascension and Tristan da Cunha – previously known as St Helena and Dependencies – is a British Overseas Territory. The Constitution of St Helena, Ascension and Tristan da Cunha 2009 applies throughout the Territory with some exceptions; the bill of rights is the same for all three. According to article 2 of the English Law (Application) Ordinance 2005 in St Helena, both English common law and Acts of Parliament in force in England at 2006 are applicable in St Helena. Laws of St Helena apply in Tristan da Cunha insofar as they are not inconsistent with local law.129 Ascension is governed by a mix of Ascension Island laws and laws of St Helena.

Home (lawful): Article 144 of the St Helena Welfare of Children Ordinance 2008 (in force 2010) punishes cruelty to children but also states: “(5) Nothing in this section shall be construed as affecting the right of any parent, teacher or other person having lawful control or charge of a child to administer reasonable punishment to him.” The Ascension Child Welfare Ordinance 2011 similarly recognises the right of parents “to administer reasonable punishment” (art. 47(5)).

Alternative care settings (partially prohibited): Corporal punishment is explicitly prohibited in children’s homes in the St Helena Welfare of Children Ordinance 2008 (art. 36) but in other alternative care settings it is lawful under the right “to administer reasonable punishment”. There is no prohibition in the Ascension Child Welfare Ordinance 2011.

Day care (partially prohibited): Corporal punishment is prohibited in preschool education in the Education Ordinance 2008 (art. 47). It is lawful in other early childhood care and in day care for older children under the St Helena Welfare of Children Ordinance 2008 (art. 144(5)) and the Ascension Child Welfare Ordinance 2011 (art. 47(5)).

Schools (unlawful): Corporal punishment is prohibited in the Education Ordinance 2008. Article 47 provides for the use of force in certain circumstances but states that “nothing in this section authorises anything being done in relation to a student which constitutes the giving of corporal punishment”. Article 49 states: “In the enforcement of discipline in public or private schools, degrading or injurious punishment (which includes corporal punishment) shall not be administered.”

Penal institutions (unlawful): Article 6(3) of the Gaols Ordinance 1960 (amended 1978) provides for the Governor in Council to make rules for prison discipline and states that “any rules made under this section shall not contain provision for the infliction of corporal punishment”.

Sentence for crime (unlawful): There is no provision for judicial corporal punishment in criminal law.


ST HELENA, ASCENSION AND TRISTAN DA CUNHA
(British Overseas Territory)

Current legality of corporal punishment

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Prohibiting corporal punishment of children in West and Central Africa: progress report 2014

Law reform necessary to achieve prohibition in St Helena, Ascension and Tristan da Cunha

Prohibition of all corporal punishment in the home and all alternative care and day care settings.
Repeal of the right “to administer reasonable punishment” (St Helena Welfare of Children Ordinance 2008,Ascension Child Welfare Ordinance 2011)

Safeguarding children in international organisations – see page 15 for details

130 16 October 2000, CRC/G/15/Add.135, Concluding observations on initial report, paras. 35 and 36; 20 October 2008, CRC/C/GBR/C/4, Concluding observations on third/fourth report, paras. 40, 41 and 42
133 27 July 1995, CCPR/C/79/Add.55, Concluding observations on fourth report, para. 8; 30 July 2008, CCPR/C/GBR/CO/6, Concluding observations on sixth report, para. 27
134 23 May 2008, A/HRC/8/25, Report of the working group, paras. 56(2), 56(3) and 56(5); 6 July 2012, A/HRC/21/9, Report of the working group, paras. 110(78), 110(79) and 110(80)

11 Resources to support law reform

There are now many resources available to support the whole process of law reform, from planning a campaign to promote it, through the drafting of new legislation, working with governments and parliaments and responding to challenges, to implementing prohibition once it is achieved. The publications listed below together with other relevant information are available free of charge from the relevant websites:

- UN Committee on the Rights of the Child
  www2.ohchr.org/english/bodies/crc/index.htm
- Global Initiative to End All Corporal Punishment of Children
  www.endcorporalpunishment.org
- Save the Children
  http://resourcecentre.savethechildren.net

Other information and resources, including research on corporal punishment and resources to support the promotion of positive, non-violent discipline, are available on the above and the following websites:

- Churches’ Network for Non-violence
  http://churchesforkindviolence.org
- Plan International
  http://plan-international.org/learnwithoutfear/learn-without-fear
- Plan International WARO VAC
  http://plan-childrenmedia.org; www.plan-childrenmedia.org/?vac=1; “Speak Out” website
- The African Child Policy Forum
  www.africanchildforum.org
- RAPCAN (Resources Aimed at the Prevention of Child Abuse and Neglect)
  www.rapcan.org.za

Publications

Campaigning for law reform to prohibit corporal punishment (Global Initiative, 2009) a series of seven summary briefings:
(1) Understanding the need for prohibition, (2) Reviewing current law, (3) Drafting prohibiting legislation, (4) Building a national strategy, (5) Working with government and parliament, (6) Using legal action, (7) Key resources to support campaigning

Campaigns Manual: Ending corporal punishment and other cruel and degrading punishment of children through law reform and social change (Global Initiative, Save the Children Sweden, 2010)

Ending corporal punishment of children: A handbook for working with and within religious communities (Churches’ Network for Non-violence, Global Initiative, Save the Children Sweden, 2011)


Ending legalised violence against children: Global report 2013, annual progress report (Global Initiative, Save the Children Sweden, 2013)

General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (articles 19, 28(2) and 37, inter alia)” (UN Committee on the Rights of the Child, 2006)

Global Initiative e-newsletter, to subscribe email info@endcorporalpunishment.org (global edition), vohito@endcorporalpunishment.org (Africa edition)

Learning from states which have achieved prohibition (Global Initiative, 2014)

Prohibiting all corporal punishment of children: Frequently Asked Questions, adult and child versions (Global Initiative, 2009)

Prohibiting corporal punishment in schools: Positive responses to common arguments (Global Initiative, 2009)


Prohibiting all corporal punishment of children: progress and delay (summary leaflet), global and all-Africa versions (Global Initiative, 2014)
Hitting people is wrong – and children are people too. Corporal punishment of children breaches their fundamental rights to respect for their human dignity and physical integrity. Its legality breaches their right to equal protection under the law. Urgent action is needed in every region of the world to respect fully the rights of all children – the smallest and most fragile of people.

This regional report reviews progress towards prohibition of corporal punishment of children in all states in West and Central Africa – where 10.7% of the world’s children live – in the context of follow-up to the UN Secretary General’s Study on Violence against Children.

The Global Initiative to End All Corporal Punishment of Children was launched in Geneva in 2001. It aims to act as a catalyst to encourage more action and progress towards ending all corporal punishment in all continents; to encourage governments and other organisations to “own” the issue and work actively on it; and to support national campaigns with relevant information and assistance. The context for all its work is implementation of the Convention on the Rights of the Child. Its aims are supported by UNICEF, UNESCO, human rights institutions, and international and national NGOs.

www.endcorporalpunishment.org; info@endcorporalpunishment.org

Plan International is a 75 year-old child centred community development organisation with no religious, political or governmental affiliations. Plan’s vision is of a world in which all children realise their full potential in societies that respect people’s rights and dignity. Plan’s mission aims to achieve lasting improvements in the quality of life of deprived children in developing countries across Africa, Asia and the Americas, through a process that unites people across cultures and adds meaning and value to their lives, by: enabling deprived children, their families and their communities to meet their basic needs and to increase their ability to participate in and benefit from their societies, building relationships to increase understanding and unity among peoples of different cultures and countries and promoting the rights and interests of the world’s children.

As a way to promote child rights and lift millions of children out of poverty, Plan engaged in the follow up to the recommendations of the UN Study on Violence against Children, launching a global advocacy campaign in 2008 to end all forms of violence at school: “Learn without Fear”. This campaign involved children and youth participation at national and international level to combat all forms of violence against children including corporal punishment through strategic partnership with governments and civil society.

www.plan-international.org; Coulibaly.adama@plan-international.org

Save the Children’s vision is a world in which every child attains the right to survival, protection, development and participation. Our mission is to inspire breakthroughs in the way the world treats children, and to achieve immediate and lasting changes in their lives. Save the Children opposes all corporal and other humiliating punishment of children and works globally in collaboration with civil society, Governments, other organisations, communities and children to promote the prohibition of corporal punishment and the promotion of parenting skills to ensure children’s rights to protection as outlined in the UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.

http://resourcecentre.savethechildren.se; info@rb.se

For information on the UN Secretary General’s Study on Violence against Children see www.unviolencestudy.org