

Progress towards prohibiting all corporal punishment in East and Southern Africa



GLOBAL INITIATIVE TO
**End All Corporal
Punishment of Children**

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Also available online at www.endcorporalpunishment.org

The following table summarises the legal status of corporal punishment of children – and progress towards achieving prohibition – in all settings in all states in East and Southern Africa. Governments are increasingly enacting laws to prohibit this form of violence against children. As at June 2020, three states have prohibited all corporal punishment of children, including in the home: governments of at least four others have expressed a commitment to enacting full prohibition. Four states have prohibited in all alternative care settings, three states in day care, 13 in all schools, ten in penal institutions and 19 as a sentence for crime.

States with full prohibition in legislation

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

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Kenya	YES ¹	YES	YES	YES	YES	YES
Seychelles	YES ²	YES	YES	YES	YES	YES
South Africa	YES ³	YES	YES	YES	YES	YES

States expressing commitment to law reform in UPR and other contexts

Governments in the following 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. For more information on how the Global Initiative assesses states' commitment, visit <https://endcorporalpunishment.org/committed-states/>.

States committed to law reform ...						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Mauritius ⁴	NO	NO	[SOME] ⁵	YES	NO	YES

¹ Prohibited in Constitution 2010 but some legislation still to be formally repealed

² Prohibited in 2020 amendments to Children Act 1982

³ 2019 Constitutional Court decision ruled the common law defence of "reasonable chastisement" to be unconstitutional

⁴ Bill which would prohibit under discussion (2015); Government accepted UPR recommendation to prohibit in all settings (2019)

States committed to law reform ...						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Mozambique ⁶	NO	NO	NO	NO ⁷	YES	YES
Namibia ⁸	NO	YES	SOME ⁹	YES	YES	YES
Zambia ¹⁰	NO	NO	SOME ¹¹	YES	YES	YES ¹²

States without a clear commitment to law reform

The following states are not currently committed to prohibiting all corporal punishment. Some have yet to make a clear commitment to law reform. Some have accepted UPR recommendations to prohibit but have also indicated that they consider existing legislation adequately protects children from corporal punishment, in conflict with information collected by the Global Initiative. Some have accepted some UPR recommendations to prohibit corporal punishment but rejected other similar recommendations. Others had previously committed but have since either backtracked on that commitment or have failed to take action on it.

States without a clear commitment to law reform ...						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Angola ¹³	NO	NO	NO	NO	NO	YES
Botswana	NO	NO	NO	NO	NO	NO
Burundi	NO	NO	NO	[YES]	NO	YES
Comoros ¹⁴	NO	NO	NO	NO	NO	[YES]
Eritrea	NO	NO	NO	NO ¹⁵	[NO]	YES
Eswatini	NO	NO	NO	NO	NO	YES
Ethiopia ¹⁶	NO	SOME ¹⁷	SOME ¹⁸	YES	YES	YES
Lesotho ¹⁹	NO	NO	NO	[YES]	NO	YES
Madagascar	NO	NO	NO	[YES]	NO	YES

⁵ Possibly unlawful in preschool provision

⁶ Government accepted UPR recommendation to prohibit in all settings (2016)

⁷ Government directive advises against corporal punishment but no prohibition in law

⁸ Government accepted UPR recommendations to prohibit in all settings (2016)

⁹ Prohibited in early childhood centres and in places of care; unlawful in all state-run childcare under 1991 Supreme Court ruling

¹⁰ Government accepted UPR recommendation to prohibit in all settings (2012)

¹¹ Prohibited in preschool provision

¹² Unlawful under 1999 Supreme Court ruling but some legislation still to be repealed

¹³ Had initially committed to prohibition in all settings by accepting UPR recommendation to do so in 2014, but no progress since

¹⁴ Had initially committed to prohibition by accepting UPR recommendations to prohibit in 2014 but noted similar recommendations in 2019

¹⁵ Policy states corporal punishment should not be used but no prohibition in law

¹⁶ Government accepted UPR recommendation to abolish corporal punishment but rejected recommendation to criminalise it (2014)

¹⁷ Prohibited in institutions

¹⁸ Prohibited in institutions

¹⁹ Government accepted UPR recommendation to abolish corporal punishment, stating it was being implemented (2010), but subsequent law reform prohibited only as sentence for crime

<i>States without a clear commitment to law reform ...</i>						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Malawi	NO	SOME ²⁰	SOME ²¹	[YES] ²²	YES	YES
Rwanda ²³	NO	NO	NO	YES	YES	YES
Somalia	NO	SOME ²⁴	SOME ²⁵	[SOME] ²⁶	SOME ²⁷	SOME ²⁸
Uganda ²⁹	NO	NO	NO	YES	YES	YES
UR Tanzania	NO	SOME ³⁰	NO	NO ³¹	SOME ³²	SOME ³³
Zimbabwe ³⁴	NO	NO	NO	NO	NO	YES ³⁵

Note

The above information is based wherever possible on examination of national legislation; additional information is gathered 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 assisted us in our research. We welcome corrections and updates: email info@endcorporalpunishment.org. For further details on all states see the individual state reports at www.endcorporalpunishment.org.

²⁰ Prohibited in state-run institutions

²¹ Prohibited in state-run day care

²² Prohibition in private schools unconfirmed

²³ Had initially committed to prohibition by accepting UPR recommendation to prohibit in all settings and to repeal the “right of correction” (2011, 2015); but law reform since did not achieve prohibition

²⁴ Prohibited in Somaliland

²⁵ Prohibited in Somaliland

²⁶ Possibly prohibited in Somaliland

²⁷ Prohibited in Somaliland

²⁸ Prohibited in Somaliland

²⁹ Government had originally expressed commitment by tabling in 2015 a Bill which would have prohibited in all settings but Bill failed to progress through parliament; and no further progress since

³⁰ Prohibited in residential institutions in Zanzibar

³¹ Directive prohibits corporal punishment in classrooms from pre-primary to third grade, in mainland Tanzania

³² Prohibited in approved schools and remand homes in Zanzibar

³³ Prohibited in Zanzibar

³⁴ Had initially committed to prohibition by accepting UPR recommendation to prohibit in all settings (2011); but later noted similar UPR recommendations (2016)

³⁵ 2014 High Court ruling declaring judicial corporal punishment unconstitutional confirmed by 2019 Constitutional Court decision but some legislation still to be repealed