

Ending Corporal Punishment of Children: Africa E-newsletter

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

In this issue:

Highlights in this issue include news of initiatives and challenges in moving from prohibition to elimination of corporal punishment of children in African states. Read on for further details on regional and national research findings, campaigns and positive moves towards ending corporal punishment across the continent.

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1. Recent developments in Africa

National news

Ghana: The Ghana Education Service (GES) has warned that teachers in both private and public schools who inflict corporal punishment on students would be sanctioned in accordance with the guidelines of the service. A statement signed by the GES director general indicated that “corporal punishment in our institutions is illegal and would not be tolerated in any form”. (*GhanaWeb*, 22 March 2018).

Note: Corporal punishment in schools is not prohibited by law in Ghana. Pursuant to the Education Act 1961, the Ghana Education Code of Discipline for second cycle school provides for corporal punishment. Moreover article 13(2) of the Children’s Act 1998 also provides for “justifiable correction”.

From Prohibition to Elimination

Kenya: The Teachers Service Commission (TSC) told the High Court that it cannot discipline errant teachers in private institutions. TSC blamed this on lack of laws giving it oversight powers over private schools. This statement follows a court case whereby a parent has asked the High Court to outlaw corporal punishment in schools and compel the Teachers Service Commission to put in place a policy to ensure it is completely eliminated. The parent requested compensation and apology for the caning of her child.

Note: Article 29 of the Kenyan Constitution 2010 prohibits corporal punishment in all settings. Prohibition in schools is confirmed in article 4 of the Basic Education Act 2013.

South Africa: The Free State Department of Education has launched the global Child Rights Online Platform, an initiative envisaged to ensure promotion and protection of children's rights in schools. Conducted by Lund University in Sweden and funded by the Swedish International Development Agency (SIDA), the programme includes training on child rights, classroom management and school governance in Sweden, and will consider various aspects including democratic participation of learners in school affairs, abolishment of corporal punishment and parental involvement. (*News24*, 02 May 2018).

Note: Corporal punishment is prohibited in schools under the South African Schools Act 1996 (art. 10).

Angie Makwetla, Commissioner with the South African Human Rights Commission responsible of children's rights noted in a recent article that corporal punishment "feeds into the culture of violence that permeates South Africa today". Referring to the 2017 High Court decision which held that the common law defence of "moderate and reasonable chastisement" was unconstitutional, Commissioner Makwetla argues that elimination of corporal punishment in the home remains a challenge. This is illustrated by the challenges encountered in achieving elimination of corporal punishment in South African schools despite the several measures taken by the Government in promoting positive discipline. Angie Makwetla calls for concerted efforts to develop campaigns and advocacy tools to promote positive parenting and highlight the danger of corporal punishment. (*Mail&Guardian*, 26 April 2018)

Uganda: The NGO [Joy for Children](#) conducts positive discipline training in Kampala schools through participatory teaching. Through this project Joy for Children aims to teach children about their rights and train teachers about the positive effects of alternative methods of discipline.

Note: Corporal punishment is unlawful in schools following the amendment of the Children Act in 2016.

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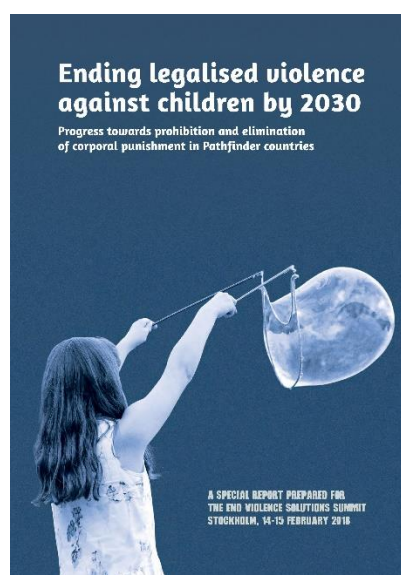
2. Resources: Research/Reports/Publications

NEW publication from the Global Initiative

Pathfinders report: Ahead of the *Agenda 2030 End Violence Solutions Summit* which took place in Stockholm, Sweden, on 14-15 February 2018, the Global Initiative published this report tracking progress on ending corporal punishment of children in “Pathfinding countries”. These countries – including Nigeria, South Africa, Tanzania and Uganda – have committed to three to five years of accelerated action to end all violence against children (target 16.2 of the Sustainable Development Goals). This report highlights the centrality of ending corporal punishment to achieving SDG 16.2 and related targets.

For each Pathfinding country, it sets out:

- The current legal status of corporal punishment, any changes needed to achieve full prohibition, and any current opportunities for law reform;
- Whether the government has committed to achieving prohibition;
- Any prevalence data and examples of good practice;
- Relevant recommendations from UN and regional treaty monitoring bodies.



Regional resource

[*From the day they are born: a qualitative study exploring violence against children with disabilities in West Africa, Njelesani et al. BMC Public Health \(2018\)*](#): This study explores violence experienced by children with disabilities based in four West African countries - Guinea, Niger, Sierra Leone, and Togo. The paper found that almost all the children with disabilities interviewed reported experiencing some form of violence from parents, teachers, peers, or community members including teasing, bullying, restricted food access, and physical punishment. It contends that violence against children with disabilities needs to be addressed as they experience violence more than non-disabled children from birth. The paper calls for prohibition of corporal punishment in all settings.

National resource

Rwanda: [A study on a MenCare fathers' and couples' intervention programme](#) conducted in four Rwandan districts revealed that engaging men as they become fathers and focusing on improving couple relationships can be an effective strategy to reduce men's use of violence against women, and improve relationships within the household, also reducing the use of physical punishment against children. The study found the programme – which engaged men and their partners in participatory, small group sessions of critical reflection and dialogue – resulted in substantial reductions in the physical punishment of children by men and women: 58% of men in the intervention group used corporal punishment (compared to 67% in the control group) and 68% of women (compared to 79% in the control group).

South Africa: A survey conducted by the [Umhlali Project](#) in five schools in Port Elizabeth's Walmer found alarming statistics of violence against children in schools. Of the 361 pupils surveyed, 98% said they had experienced “direct violence” while at school. Roughly 82% of those who had experienced the direct violence classified it as corporal punishment. Some of the pupils – about 72% – have experienced violence at home with either a belt, whip or shoe. The survey findings were released in late 2017, more than two decades after the promulgation of the South African Schools Act 1996 (art. 10) which prohibits corporal punishment in schools. (The *Herald Live*, 16 April 2018)

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3. Human rights monitoring

Key decisions and recommendations, etc.

The **African Committee of Experts on the Rights and Welfare of the Child** held its 31st session in April-May 2018 in Bamako, Mali. The Committee raised the issue of corporal punishment of children during the examinations of Burkina Faso, Burundi, Malawi and Niger. Concluding observations are yet to be published.

At its 77th session in January-February 2018, the **Committee on the Rights of the Child** welcomed the recent prohibition of corporal punishment in Seychelles' schools but highlighted that further urgent measures should be taken in relation to corporal punishment and recommended its prohibition in all settings. During the dialogue with the Committee, the Government of Seychelles reiterated its commitment to prohibition in all settings and declared that this would be taken forward in early 2018.

Seychelles was also examined at the 19th session of the **Committee on the Rights of Persons with Disabilities** in February-March 2018: the Committee recommended expedition of the review of the Children Act to include a ban on corporal punishment in all settings. To Sudan, the Committee expressed concern at the lack of measures taken to criminalise all forms of violence, including corporal punishment, and recommended prohibition in all settings.

At its 63rd session in March 2018, the **Committee on Economic, Social and Cultural Rights** expressed concern to Central African Republic that the Family Code allowed corporal punishment in the family and care institutions, and recommended that the Government amend its legislation to explicitly prohibit corporal punishment in all settings.

Briefing the human rights bodies

The Global Initiative regularly briefs human rights treaty monitoring bodies prior to examination of state parties, and encourages national NGOs and human rights institutions to do likewise: if you/your organisation is interested please contact vohito@endcorporalpunishment.org. For deadlines for submitting briefings to the Committees, please see the individual country reports on the [Global Initiative website](#).

The Universal Periodic Review

The obligation to prohibit and eliminate corporal punishment of children continues to be raised with states in the Universal Periodic Review (UPR) of their overall human rights records. The Global Initiative submits briefings on every state being reviewed, sharing advance draft briefings with relevant organisations to encourage submissions at national level. We also conduct a follow up programme, pursuing the issue with states that accept recommendations to prohibit corporal punishment by writing to key NGOs, NHRIs and Government ministers, and undertake ongoing analysis of coverage of the issue in all aspects of the UPR process (for further information email vohito@endcorporalpunishment.org).

At the 29th session of the **Universal Periodic Review** in January 2018, Burundi received a recommendation to take legislative measures to put an end to corporal punishment in all settings – its Government will examine it and respond before the 38th session of the Human Rights Council in June 2018. Botswana also received several recommendations to prohibit corporal punishment in all settings but ‘noted’ them all (did not support them). In Botswana, corporal punishment of children is still lawful in every setting of children’s lives, including as a sentence for a crime.

For information on individual states’ upcoming UPR examinations or deadlines for submitting information to the review see the individual [country reports](#) on the Global Initiative website.

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4. Can you help?

Promoting positive, non-violent discipline

We are collecting resources for the promotion of positive discipline in homes, schools and other settings in Africa for listing on our website: contact triona@endcorporalpunishment.org.

Research on corporal punishment of children

We also collect evidence of the nature and prevalence of corporal punishment. Please send any recent research findings relevant to corporal punishment of children in Africa to: vohito@endcorporalpunishment.org.

And ...

Other ways to contribute to the work of the Global Initiative include:

- sending us information on laws prohibiting or authorising corporal punishment
- letting us know about opportunities for promoting law reform (e.g. if draft legislation is being considered) and when new laws are passed which prohibit corporal punishment
- providing contact details for organisations actively working to promote the prohibition and elimination of corporal punishment of children.

If you can help with any of the above, please email vohito@endcorporalpunishment.org.

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The Global Initiative aims to act as a catalyst to encourage more action and progress towards ending all corporal punishment in all continents. The Africa project aims to increase the number of states in Africa committed to and actively pursuing the prohibition and elimination of all corporal punishment of children, in the family, schools and all other settings.

We hope you find this newsletter informative and useful and welcome your comments: please email vohito@endcorporalpunishment.org. If your organisation is not listed as supporting the aims of the Initiative, please consider signing up ([on our website](#) or email info@endcorporalpunishment.org).



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