Global Initiative to End All Corporal Punishment of Children
Save the Children Sweden

Ending legalised violence against children

ALL AFRICA SPECIAL REPORT

– a contribution to the UN Secretary General's Study on Violence against Children

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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 report reviews law and policy in relation to corporal punishment and deliberate humiliation of children in each state across Africa. It makes recommendations for law reform and other measures which it is hoped will be adopted and pursued at national, regional and international levels.

MESSAGES

Jaap E. Doek, Chairperson, United Nations Committee on the Rights of the Child, 2001-2007

One hundred and ninety three governments have accepted an obligation to take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of violence (article 19 of the United Nations Convention on the Rights of the Child).

The Committee on the Rights of the Child, which monitors implementation of this Convention, has recommended to governments across the region and the world that they should systematically:

- Prohibit all forms of violence, including all corporal punishment however light, in the upbringing of children in their homes, in schools, in care institutions, penal systems and any other place;
- Undertake – at the same time – educational and awareness-raising campaigns to inform parents and others about children's right to protection and about non-violent methods of disciplining and raising children.

Many citizens and politicians express deep concern about increasing violence in their societies. The credibility of this concern is questionable as long as they are not willing to seriously and systematically address the use of violence against children. And nobody should suggest that a little bit of violence is acceptable. That applies equally for adults and children.

The Committee on the Rights of the Child strongly believes that the UN Secretary General's Study on Violence against Children will accelerate moves to prohibit and eliminate corporal punishment and any other form of violence against children as an unacceptable violation of human dignity and physical integrity. It is the only way to a violence-free society.

Jean-Baptiste Zoungrana, Chairperson, African Committee of Experts on the Rights and Welfare of the Child

Children in Africa are confronted with scourges of society such as female genital mutilation, engagement in armed conflict, abandonment, trafficking and exploitation, HIV infection and all kinds of violence that are hindering their growth and future.

Millions of African children are victims of violence despite the fact that their States have ratified international and regional legal instruments protecting children and have integrated the provisions of those instruments into their internal legal systems.

As far as violence is concerned, the first paragraph of article 16 of the African Charter on the Rights and Welfare of the Child clearly stipulates that: "States Parties to the present Charter shall take specific legislative, administrative, social and educational measures to protect the child from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse, while in the care of a parent, legal guardian or school authority or any other person who has the care of the child."

Although some legislative measures have been taken to ban violence against children in schools, care institutions and penal systems in many African states, not much has been done to end corporal punishment administered to children by their families, in their homes, where violence seems to be culturally accepted. In fact, thousands of homes have become real laboratories of violence against children and the media have reported many cases. That is unacceptable.

The African Committee of Experts on the Rights and Welfare of the Child is particularly concerned by this situation and is In favour of the special study of the Secretary General of the United Nations on violence against children. During its Seventh Session, held in December 2005, the Committee also chose the theme "Right to Protection: Stop Violence against Children" for the commemoration of the Day of the African Child – the 16th of June 2006.

The 16th of June, which has been declared the Day of the African Child by the Heads of States of the Organisation of the African Union (OAU), now the African Union (AU), to mark the 1976 massacre of Soweto Children in South Africa, was a day for a massive social mobilisation in all African States in 2006. It was a great moment for reflection and action in order to put an end to all forms of violence against children, including those done by children against other children, wherever they are.

The African Committee of Experts on the Rights and Welfare of the Child would like to take this opportunity to congratulate governments and civil society for all their efforts. The Committee is also grateful to its technical and financial partners, especially Save the Children Sweden for its commitment to fight violence against children in Africa.

Mrs. Zyneb Jammeh, Her Excellency The First Lady, Republic of The Gambia

The launching of this report has come at the right time. The issues surrounding the rights of children have become a global concern and efforts are being tirelessly pursued by national governments to ensure that the rights of the child are protected. This can only happen if we strive to put in place the right legal frameworks and insist on their implementation.

The dynamic role played by children cannot be downplayed, since they form an important component of the entire development process. Children the world over have been unanimously viewed as the future pillar or bedrock for the sustainability and survival of civilized societies.

Discipline, without doubt, is quite cardinal in raising children. Nevertheless, policy makers and parents should all make sure that the enforcement of disciplinary values does not marginalise or brush aside the rights of the child. Similarly, violence against children has no place in society and should not be entertained. Violence would only make children become social misfits and a menace to society and its development.

I hope the issues contained in this publication will help all readers to have the right mind-frame to ensure that child rights are protected and not infringed. It is our collective responsibility to raise our children to make sure they grow up to become responsible citizens, eager to meaningfully contribute towards the development process and move our development aspirations beyond imaginable limits.

Professor Paulo Sérgio Pinheiro, Independent Expert leading the UN Secretary General's Study on Violence against Children

The involvement of children and young people in the UN Secretary General's Study has been fundamental and highly influential. Many children have told me how much they are hurt – and not just physically – by the routine violence they suffer at home, in schools and other places. The legality and social acceptance of corporal punishment and other forms of cruel or degrading punishment in so many states worldwide has been a particular preoccupation of children at all the regional consultations and in many of the submissions I received.

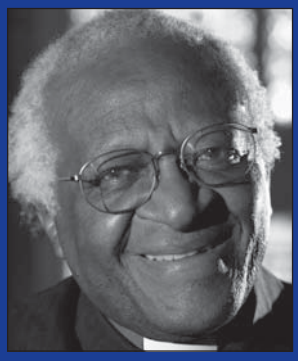
The recommendations developed at all nine regional consultations included the proposal that all corporal punishment must be prohibited, as did the children's declarations.

The UN Secretary General's Study is human rights based and it strictly follows the Committee on the Rights of the Child, which has been telling states consistently for more than a decade that the Convention requires prohibition of all corporal punishment. It is sad and ironic that children, the most vulnerable of people, should have had to wait until last for this basic protection. We cannot draw lines and try and define acceptable ways of hitting children. There can be no compromise, any more than we compromise in challenging all violence against women.

Challenging corporal punishment, alongside challenging domestic violence against women, is no threat to the family in all its forms. On the contrary, the promotion of non-violent, positive forms of discipline reinforces the family's role in protecting children from all forms of violence. The Convention on the Rights of the Child upholds the family in all its forms as the fundamental group of society and the natural environment for the growth and wellbeing of all its members and particularly children, and requires the state to fully respect and support families.

The UN Secretary General's Study will hopefully accelerate the elimination of all currently legalised violence against children, emphasising that no violence against children is justifiable and all violence is preventable.

Desmond M. Tutu, Archbishop Emeritus



I support the Global Initiative to eliminate all corporal punishment at home, at school, in institutions and community. This worldwide movement has gained prominence through the UN Secretary General's Global Study on Violence against Children. 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 and lifelong effects. Violence begets violence and we shall reap a whirlwind. Children can be disciplined without violence that instils fear and misery, and I look forward to church communities working with other organisations to use the context of the Study to make progress towards ending all forms of violence against children.

If we really want a peaceful and compassionate world, we need to build communities of trust where all children are respected, where home and school are safe places to be and where discipline is taught by example. May God give us grace to love our children as He loves them and may their trust in us lead them to trust in Him.

The human rights imperative to end all corporal punishment

Rights to respect for human dignity and physical integrity and to equal protection under the law are upheld for everyone – including children – in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The Convention on the Rights of the Child (CRC) re-emphasises that children, too, are holders of human rights. The Convention also requires states to protect children from "all forms of physical or mental violence" while in the care of parents or others (article 19).

The Committee on the Rights of the Child – the treaty monitoring body for the CRC – consistently interprets the Convention as requiring prohibition of all corporal punishment, including in the family, linked to awareness-raising and public education. This was confirmed in a General Comment on "The right to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia)" adopted by the Committee in June 2006 (see page 8). This interpretation is supported by other human rights treaty bodies, both international and regional, and by high level court judgments in a growing number of states including in Africa.

States' human rights obligations to end all currently legalised violence against children are clear and immediate; there can be no justification for delay. Humanity and logic suggest that children should be the first, not the last, members of human societies to be effectively protected from assault and deliberate humiliation.

The case against corporal punishment does not have to be proved. We do not look for evidence of harm to justify prohibition and other measures to end domestic violence against women or elderly people. The issue is one of fundamental rights. But in any case there is overwhelming research evidence to support the human rights imperative for eliminating corporal punishment and other cruel or degrading forms of punishment. Hitting babies and children is dangerous. Harsh and humiliating

"States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child..."

UN Convention on the Rights of the Child, article 19

forms of discipline are associated with the development of violent and anti-social attitudes and actions in childhood and later life and also with psychological difficulties for the victims. Hitting children is a lesson in bad behaviour; it teaches them that adults who demand their respect believe that violence is a legitimate way to sort out conflicts or impose authority.

Some adults like to suggest that corporal punishment and child "abuse" are two quite separate phenomena. In fact, more or less all physical "abuse" is administered in a context of punishment or control – it **is** corporal punishment. There are different degrees of severity, but all corporal punishment breaches children's right to respect for their human dignity and physical integrity. We do not try to draw lines and justify any level of violence against women or elderly people – so why children? Zero tolerance is generally accepted as a target for ending domestic violence between adults in the home – so why not for children?

Defenders of corporal punishment suggest that children are different. But their differences – their dependence, developmental state and fragility – certainly do not reduce their human rights or justify less protection from violence. Parents and other carers need to use physical actions to protect and restrain children, especially babies and young children. But such actions are clearly distinguishable from causing pain or humiliation as a form of discipline or control.

States' obligation to prohibit all corporal punishment – General Comment by the Committee on the Rights of the Child

In June 2006, the Committee on the Rights of the Child adopted General Comment No.8 (2006) on "The right to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para.2; and 37, inter alia)", which aims "to highlight the obligation of all States parties to move quickly to prohibit and eliminate all corporal punishment and all other cruel or degrading forms of punishment of children and to outline the legislative and other awareness-raising and educational measures that States must take" (para. 2).

The Committee defines corporal punishment in paragraph 11 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', 'slapping', 'spanking') children, with the hand or with an implement – whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, 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 which are also cruel and degrading and thus incompatible with the Convention. These include, for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child."**

The Committee distinguishes between violence and humiliation as forms of punishment which it rejects, and discipline in the form of "necessary guidance and direction", which is essential for healthy growth of children. The Committee also differentiates between punitive physical actions against children and physical interventions aimed at protecting children from harm.

Human rights standards

The foundations of the human rights obligation to prohibit and eliminate all corporal punishment and all other degrading forms of punishment lie in the rights of every person to respect for his/her dignity and physical integrity and to equal protection under the law. The Committee traces this back to the International Bill of Human Rights – "The dignity of each and every individual is the fundamental guiding principle of international human rights law" (para. 16) – and shows how the Convention on the Rights of the Child builds on these principles. Quoting article 19 of the Convention, which requires States to protect children "from all forms of physical or mental violence", the Committee states (para. 18):

> **"... There is no ambiguity: 'all forms of physical or mental violence' does not leave room for any level of legalized violence against children. Corporal punishment and other cruel or degrading forms of punishment are forms of violence and the State must take all appropriate legislative, administrative, social and educational measures to eliminate them."**

The fact that article 19 and article 28 – on school discipline – do not specifically refer to corporal punishment does not in any way undermine the obligation to prohibit and eliminate it (paras. 20 and 21):

> **"... the Convention, like all human rights instruments, must be regarded as a living instrument, whose interpretation develops over time. In the 17 years since the Convention was adopted, the prevalence of corporal punishment of children in their homes, schools and other institutions has become more visible, through the reporting process under the Convention and through research and advocacy by, among others, national human rights institutions and non-governmental organizations (NGOs).**

> "Once visible, it is clear that the practice directly conflicts with the equal and inalienable rights of children to respect for their human dignity and physical integrity. The distinct nature of children, their initial dependent and developmental state, their unique human potential as well as their vulnerability, all demand the need for more, rather than less, legal and other protection from all forms of violence."

In response to the view that a certain degree of "reasonable" or "moderate" corporal punishment is in the "best interests" of the child, the Committee states that "interpretation of a child's best interests must be consistent with the whole Convention, including the obligation to protect children from all forms of violence and the requirement to give due weight to the child's views; it cannot be used to justify practices, including corporal punishment and other forms of cruel or degrading punishment, which conflict with the child's human dignity and right to physical integrity" (para. 26). And there is no conflict between realising children's rights and the importance of the family unit, which the Convention fully upholds.

The Committee recognises that some justify the use of corporal punishment through religious teachings but again notes that "practice of a religion or belief must be consistent with respect for others' human dignity and physical integrity" and that "[f]reedom to practice one's religion or belief may be legitimately limited in order to protect the fundamental rights and freedoms of others" (para. 29).

Measures and mechanisms required to eliminate corporal punishment and other cruel or degrading forms of punishment

Legal reform is essential in eliminating corporal punishment. All provisions which allow a "reasonable" degree of corporal punishment – whether in statute or in case/common law – should be repealed, as should all legislation which specifically regulates the administration of corporal punishment. But the law must also explicitly prohibit corporal punishment in all settings (para. 35):

> "Once the criminal law applies fully to assaults on children, the child is protected from corporal punishment wherever they are and whoever is the perpetrator. But in the view of the Committee, given the traditional acceptance of corporal punishment, it is essential that the applicable sectoral legislation – e.g. family law, education law, law relating to all forms of alternative care and justice systems, employment law – clearly prohibits its use in the relevant settings. In addition, it is valuable if professional codes of ethics and guidance for teachers, carers and others, and also the rules or charters of institutions, emphasize the illegality of corporal punishment and other cruel or degrading forms of punishment."

The Committee emphasizes that law reform should be accompanied by awareness-raising, guidance and training, because the primary purpose of such reform is prevention. Prohibition in law does not mean that all cases of corporal punishment of children by parents should lead to prosecution.

Effective prohibition also requires the consistent promotion of positive, non-violent relationships and education to all those involved with children. While the Convention does not prescribe in detail how parenting should be carried out, it does "provide a framework of principles to guide relationships both within the family and between teachers, carers and others and children" (para. 46). For example, children's developmental needs must be respected, their best interests are fundamental, and their views should be given due weight.

Finally, States parties should monitor their progress towards eliminating corporal punishment and other cruel or degrading forms of punishment, including through the use of interview research involving children and the establishing of independent monitoring bodies, and should report on all measures taken in their periodic State party reports to the Committee.

Full text of the General Comment is at
www.ohchr.org/english/bodies/crc/comments.htm

UN Secretary General's Study: *– no violence is justifiable – all violence is preventable*

No violence against children is justifiable; all violence against children is preventable: this is the key message of the Report of Independent Expert Paulo Sérgio Pinheiro, appointed by UN Secretary General Kofi Annan, to lead the first comprehensive global study on violence against children in 2003.

In the introduction to his report, submitted to the UN General Assembly in New York in October 2006, Professor Pinheiro notes that violence against children exists in every country of the world, cutting across culture, class, education, income and ethnic origin:

> "In every region, in contradiction to human rights obligations and children's developmental needs, violence against children is socially approved, and is frequently legal and State-authorized."

> "The Study should mark a turning point – an end to adult justification of violence against children, whether accepted as 'tradition' or disguised as 'discipline'. There can be no compromise in challenging violence against children. Children's uniqueness – their potential and vulnerability, their dependence on adults – makes it imperative that they have more, not less, protection from violence." (Introduction, paras. 1 and 2)

In 2001, on the recommendation of the Committee on the Rights of the Child, the General Assembly in its resolution 56/138 requested the Secretary General to conduct an in-depth study on the question of violence against children and to put forward recommendations for consideration by member states for appropriate action. In February 2003, Paulo Sérgio Pinheiro was appointed by the Secretary General to lead this study. The Secretary General submitted the report to the General Assembly in October 2006.

The Report recommends prohibition of all forms of violence against children, in all settings, including all corporal punishment and all other cruel, inhuman or degrading forms of punishment, drawing the attention of states to the Committee on the Rights of the Child's General Comment No. 8 (see page 8). The Report underlines (para. 116) that prohibition of all violence against children should be completed by 2009.

The Study considers violence against children in the various settings in which it occurs, starting with the home and family:

> "Violence against children in the family may frequently take place in the context of discipline and takes the form of physical,

> cruel or humiliating punishment. Harsh treatment and punishment in the family are common in both industrialized and developing countries. Children, as reported in studies and speaking for themselves during the Study's regional consultations, highlighted the physical and psychological hurt they suffer as a result of these forms of treatment and proposed positive and effective alternative forms of discipline."
>
> "Physical violence is often accompanied by psychological violence. Insults, name-calling, isolation, rejection, threats, emotional indifference and belittling are all forms of violence that can be detrimental to a child's psychological development and well-being – especially when it comes from a respected adult such as a parent. It is of critical importance that parents be encouraged to employ exclusively non-violent methods of discipline." (paras. 41 and 42)

Introducing the detailed recommendations in the Report, Professor Pinheiro notes that UN member states have already made commitments to protect children from all forms of violence:

> "However, we must accept – from children's testimony during the Study process, as well as reflected in research, that these commitments are far from being fulfilled. The core message of the Study is that no violence against children is justifiable; all violence against children is preventable. There should be no more excuses. Member States must act now with urgency to fulfil their human rights obligations and other commitments to ensure protection from all forms of violence. While legal obligations lie with States, all sectors of society, all individuals, share the responsibility of condemning and preventing violence against children and responding to child victims. None of us can look children in the eye, if we continue to approve or condone any form of violence against them." (para. 91)

During 2005, nine regional consultations were held in connection with the UNSG's Study in all parts of the world. Recommendations developed at every consultation included calls for the prohibition and elimination of all corporal punishment.

Full report of the UN Secretary General's Study on Violence against Children is available at www.violencestudy.org

A book, complementing the report, is also available at www.violencestudy.org

Global progress towards ending all corporal punishment

Ending corporal punishment and deliberate humiliation of children is a global issue. It is also a very personal issue. Most people in almost every state in the world have been hit and humiliated as children. Most parents have hit their own growing children. We do not like to think badly of our parents or of our own parenting. This makes it difficult for many people, including politicians and community leaders, to see the issue as one of equality and human rights and to move on to positive, non-violent relationships with children.

Corporal punishment within the family remains socially accepted and legal in many states in all regions. But no culture or society "owns" corporal punishment. Every society and culture has an immediate obligation to eradicate it, just as they must eradicate violence against women and men within the family. It seems that corporal punishment of children has existed historically to varying degrees in more or less all societies. But in the context of colonialism, slavery and certain missionary teaching it was promoted and institutionalised. The English common law defence of "reasonable chastisement" and similar defences of "lawful correction" found originally in French and Portuguese law have become part of the law in many countries across Africa.

As corporal punishment and deliberate humiliation of children – in their families, schools, other institutions and forms of care and in penal systems – has become more visible over the last decade, it has begun to be recognised as a clear violation of their human rights. The adoption and almost universal ratification of the Convention on the Rights of the Child has underlined children's status as rights holders, with equal rights to respect for their human dignity and physical integrity.

Law reform and other measures to eliminate corporal punishment are now accelerating, with regional human rights mechanisms, high level courts, human rights institutions and NGOs condemning it (see details from Africa on page 14).

Globally, less than 20 states have prohibited all corporal punishment, including in the family. This means that just 58 million of the world's 2,187 million children live in countries where the law gives them the same protection as adults from being assaulted. In the context of the UN Secretary General's Study on Violence against Children, more states have committed themselves to full prohibition in the near future.

... just 58 million of the world's 2,187 million children live in countries where the law gives them the same protection as adults from being assaulted.

109 states and territories have prohibited all school corporal punishment, including 22 across Africa. In penal systems for children, 127 states and territories have prohibited corporal punishment both as a sentence of the courts and as a punishment within penal institutions, including at least 21 in Africa (see summary table, page 60).

In December 2005, the UN General Assembly adopted a resolution on the rights of the child which called for the elimination of all school corporal punishment and corporal punishment of children in detention (A/RES/60/231, December 23 2006).

During 2005, nine regional consultations were held in connection with the UN Secretary General's Study on Violence against Children, including three in Africa, in Bamako, Cairo and Johannesburg. Recommendations developed at every consultation included the prohibition and elimination of all corporal punishment. In October 2006, the report of the study presented to the UN General Assembly in New York recommended that corporal punishment of children be prohibited in all settings in all states by the year 2009 (see page 10).

So the world is now moving rapidly towards acceptance of children's equal rights to respect for their human dignity and physical integrity and to equal protection under the law. But it demands strong and continuous advocacy to achieve this long overdue reform for children, in Africa and all other regions.

Human rights standards in Africa

United Nations Convention on the Rights of the Child

All states in Africa have ratified the Convention on the Rights of the Child, apart from Somalia which signed the Convention in 2002. None has entered any reservation to reduce its obligation to protect children from all forms of violence. As noted on page 6, the Convention requires states to take all appropriate legislative and other measures to protect children from "all forms of physical or mental violence" while in the care of parents and others (article 19). Article 37 requires states to ensure that children are not subjected to torture or to other cruel, inhuman or degrading treatment or punishment. And article 28(2) requires that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the whole Convention.

"... that luminous living document that enshrines the rights of every child without exception to a life of dignity and self-fulfilment"

Nelson Mandela on the UN Convention on the Rights of the Child

In 2000, Nelson Mandela referred to the Convention as "that luminous living document that enshrines the rights of every child without exception to a life of dignity and self-fulfilment". The Committee on the Rights of the Child has expressed concern over the prevalence of corporal punishment and other forms of violence against children to almost all states across the region. In many cases, the Committee has recommended explicit prohibition of all corporal punishment, including in the family, and awareness-raising and public education to promote positive, non-violent forms of childrearing and education.

For example, following consideration of Botswana's initial state party report in 2004, the Committee stated in its concluding observations (3 November 2004, CRC/C/15/Add.242, paras. 36 and 37):

> "The Committee notes with deep concern that corporal punishment is permissible under the State party laws and is used as a way of disciplining children at home, as a disciplinary measure by schools as stipulated in the Education Act and as a sanction in the juvenile justice system."

> "The Committee strongly recommends that the State party take legislative measures to expressly prohibit corporal punishment in the family, schools and other institutions and to conduct awareness-raising campaigns to ensure that positive, participatory, non-violent forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28, paragraph 2, as an alternative to corporal punishment at all levels of society."

In 2005, the Committee made detailed recommendations to Nigeria following examination of its second state party report. These included attention to the use of corporal punishment under Islamic law (13 April 2005, CRC/C/15/Add.257, paras. 38, 39, 79, 80 and 81 (e and h)):

> "The Committee takes note that article 221 of the Child Rights Act prohibits corporal punishment in judicial settings, and that a ministerial note has been sent to schools notifying them of the prohibition of corporal punishment in schools. Nevertheless, in light of article 19 of the Convention, the Committee remains concerned that corporal punishment is still widely practised in the penal system as a sanction, as well as in the family, in schools and in other institutions. In particular, the Committee is concerned about:
> a) articles 9 and 11 (2) of the Children and Young Persons Law which provides for the sentencing of juvenile offenders to whipping and corporal punishment;
> b) article 18 of the Criminal Code which provides for whipping;
> c) article 55 of the Penal Code which provides for the use of physical corrective measures;
> d) Shariah legal code to children prescribing penalties and corporal punishment such as flogging, whipping, stoning and amputation, which are sometimes applied to children; and
> e) legal provisions that tolerate, if not promote, corporal punishment at home, in particular article 55 (1) (a) of the Penal Code and article 295 of the Criminal Code.
>
> "The Committee recommends that the State party:
> a) abolish or amend all legislation prescribing corporal punishment as a penal sentence, in particular the Children and Young Persons Act;
> b) expressly prohibit corporal punishment by law in all settings, in particular in the family, schools and other institutions; and

c) conduct awareness-raising campaigns to ensure that positive, participatory, non-violent forms of discipline are administrated in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28 (2) as an alternative to corporal punishment at all levels of society.

"Despite the State party's claim that there are no discrepancies between the provisions of the Convention and the Shariah laws with regard to the rights of children, the Committee remains deeply concerned by the sentencing of persons below 18 years to cruel, inhuman and degrading treatment such as stoning, flogging, whipping and amputation by Shariah courts. The Committee is further concerned that under section 95 of the Shariah Penal Code, persons aged 7-18 years can be subjected to the punishment of confinement in a reform institution, or 20 strokes of cane, or with fine, or both."

"The Committee recommends the State party to review its legislation, policies and budgets to ensure the full implementation of juvenile justice standards, in particular article 37 (b) and article 40, paragraph 2 (b) (ii)-(iv) and (vii) of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System and in the light of the Committee's 1995 Day of General Discussion on the Administration of Juvenile Justice."

"In this respect, the Committee urges the State party to, in particular:

e) amend, as a matter of urgency, the Child and Young Persons Act and the Criminal Code, as well as the Shariah Penal Codes to abolish death penalty as well as cruel, inhuman and degrading treatment on juvenile offenders, and in the meantime take measures, as a matter of priority, to ensure that persons under 18 are not sentenced to torture, cruel, inhuman and degrading forms of sanction such as flogging and amputation by Shariah courts;

h) enact an amendment to the Children and Young Persons Act, prohibiting all forms of corporal punishment in penal institutions…."

The Committee's recommendations to Tunisia following the state's second report provides an example from North Africa (13 June 2002, CRC/C/15/Add.18, paras. 33 and 34 (a, b and c)):

> "While noting the provision in the Code of Child Protection regarding ill-treatment (art. 24) and the relevant provision in the Penal Code (art. 224), as well as the Ministerial Circular of December 1997 banning all forms of corporal punishment and practices hurting the dignity of children, the Committee is concerned that, as noted by the delegation, corporal punishment is only a crime if it is prejudicial to the health of the child. It notes with concern that violence as a means of discipline in the home and at school continues to be acceptable in the State party. The Committee regrets that no follow-up to the Committee's previous recommendation has been initiated to protect children from ill-treatment (ibid., para. 17)."
>
> "The Committee urges the State party to:
> a) take all legislative measures to prohibit in the most effective way possible all forms of physical and mental violence, including corporal punishment and sexual abuse, against children in the family, in the schools and in institutions;
> b) conduct a study to assess the nature and extent of ill-treatment and abuse of children, and design policies and programmes to address it;
> c) carry out public education campaigns about the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment…."

The African Charters

The majority of states in the region have also ratified the African Charter on the Rights and Welfare of the Child. As at February 2004, thirteen states had signed but not yet ratified the Charter (Central African Republic, Cote d'Ivoire, Congo, Djibouti, Gabon, Guinea-Bissau, Liberia, Sahrawi Arab Democratic Republic, Somalia, Sudan, Swaziland, Tunisia, Zambia) and three states had yet to sign the Charter (DR Congo, Mauritania and Sao Tome & Principe). The Charter requires states:

- to "take all appropriate measures to ensure that a child who is subjected to school or parental discipline shall be treated with

humanity and with respect for the inherent dignity of the child and in conformity with the present Charter" (article 11);

- to "take specific legislative, administrative, social and educational measures to protect the child from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse, while in the care of a parent, legal guardian or school authority or any other person who has the care of the child" (article 16);
- to "ensure that no child who is detained or imprisoned or otherwise deprived of his/her liberty is subjected to torture, inhuman or degrading treatment or punishment" (article 17).

Parents and others responsible for the child have the duty of ensuring that domestic discipline "is administered with humanity and in a manner consistent with the inherent dignity of the child" (article 20).

Article 1 of the Charter emphasises: "Nothing in this Charter shall affect any provisions that are more conducive to the realization of the rights and welfare of the child contained in the law of a State Party or in any other international Convention or agreement in force in that State."

The African Committee of Experts on the Rights and Welfare of the Child, the monitoring body for the Charter, had its inaugural meeting in 2002 (for details see www.africa-union.org/child/home.htm).

All states in the region have ratified the African Charter on Human and Peoples' Rights. It asserts in article 3 that everyone is equal before the law and shall have equal protection of the law. Article 4 states: "Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right." And under article 5: "Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited." Under article 18(3), states are required to ensure the protection of the rights of the child "as stipulated in international declarations and conventions".

In 2000, a complaint was submitted to the African Commission on Human and Peoples' Rights regarding the sentencing of eight students in the Sudan to 25-40 lashes for "public order" offences under the 1991 Sudanese Criminal Law (*Curtis Francis Doebber*

"Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right."

Article 4 of the African Charter on Human and Peoples' Rights

v Sudan, 236/2000, 33rd Ordinary Session, Niger, 2003). In its judgment the Commission stated that it was not the task of the African Commission to interpret Shari'ah law, but to ascertain whether the lashes administered were consistent with human rights standards. But it stated clearly (para. 42) that:

> "There is no right for individuals, and particularly the government of a country to apply physical violence to individuals for offences. Such a right would be tantamount to sanctioning State sponsored torture under the Charter and contrary to the very nature of this human rights treaty."

The Commission concluded that the Sudanese legislation permitting flogging violated article 5 of the Charter on Human and Peoples' Rights, and requested that the government of Sudan:

> "Immediately amend the Criminal Law of 1991, in conformity with its obligations under the African Charter and other relevant international human rights instruments; abolish the penalty of lashes; and take appropriate easures to ensure compensation of the victims."

National court decisions

There have been a number of high level court decisions in various states in Africa condemning corporal punishment in some settings. In 1991 the **Namibian Supreme Court** declared that corporal punishment breached article 8(2)(b) of the Constitution which states that "[n]o persons shall be subject to torture or to cruel, inhuman or degrading treatment or punishment" (*Ex parte Attorney General, Namibia: in Re Corporal Punishment* by *Organs of State*, 1991(3) SA 76). The leading judge noted that it would not be appropriate "to allow corporal punishment which is unconstitutional to continue to be inflicted until Parliament makes the necessary amendments", and the Court made two orders:

> "1. It is declared that the imposition of any sentence by any judicial or quasi-judicial authority, authorising or directing any corporal punishment upon any person is unlawful and in conflict with article 8 of the Namibian Constitution."
>
> "2. It is further declared that the infliction of corporal punishment in Government schools pursuant to the existing Code formulated by the Ministry of Education, Culture and Sport or any other direction by the said Ministry or any other organ of the Government, is

unconstitutional and unlawful and in conflict with article 8 of the Namibian Constitution."

Similarly in **Zambia**, the court declared legislation that was found to be unconstitutional null and void (*John Banda v The People HP* A/6/1998). In 1999 the High Court heard an appeal against a sentence of ten strokes of the cane handed down by the magistrates' court. The appellant argued that the sentence conflicted with the right to protection from torture, inhuman and degrading punishment under article 15 of the Constitution and that the provisions in the Penal Code prescribing corporal punishment and other similar statutory provisions should be pronounced unconstitutional. The court set aside the sentence of corporal punishment against the appellant. It further found that the sections providing for the use of corporal punishment as a sentence were in direct conflict with article 15 of the Zambian Constitution and thus declared them unconstitutional and ordered that they should be repealed from the Penal Code. Following this decision, steps were taken towards amending and repealing provisions in different pieces of legislation that allowed for the use of corporal punishment in public life.

South Africa's Constitutional Court declared the whipping of juveniles in the penal system to be unconstitutional in 1995 (*S v Williams and others* 1995 (3) SA 632 (CC)). The leading judge stated: "… it is my view that at this time, so close to the dawn of the 21st century, juvenile whipping is cruel, it is inhuman and it is degrading. It cannot, moreover, be justified in terms of section 33(1) of the Constitution."

In 2000 the same court unanimously rejected an appeal by an association of 196 independent Christian schools to declare the prohibition of corporal punishment in all schools invalid on grounds of religious rights (*Christian Education South Africa v The Minister of Education 2000* (10) BCLR 1051 (CC)). In this case, the applicants sought to have section 10 of the Schools Act 84 of 1996 (which makes it a criminal offence to administer corporal punishment in schools) declared unconstitutional and invalid to the extent that it was applicable to independent schools where parents or guardians had consented to corporal punishment being imposed. In addition, the applicants alleged that this prohibition interfered with their right to freedom of religion. The respondent, the Minister of Education, contended that it was the infliction, not the prohibition, of corporal punishment that infringed the constitutional rights of children and their rights to equality, human dignity and freedom and security of the person; alternatively, if the prohibition limited

the religious rights of the applicant, such limitation was justifiable.

The Constitutional Court held that the prohibition of corporal punishment was a justifiable limitation of the right to freedom of religion. Similarly, the High Court, when this matter was heard before it, held that corporal punishment in schools violated the right to dignity and protection against cruel, inhuman and degrading treatment or punishment.

A number of cases in **Zimbabwe** had ruled against corporal punishment in terms of the prohibition of inhuman or degrading punishment, but here the Constitution itself has been amended so as to permit corporal punishment (*S v Ncube*; *S v Tshuma*; *S v Ndlovu* 1988(2) SA702 (ZSC) and *S v Juvenile* 1990(4) SA151 (ZSC)).

While not categorically ruling out all corporal punishment, a 2004 judgment by the **Kenyan High Court** is regarded as a landmark (*Isaac Mwangi Wachira v Republic High Court of Kenya* (*Nakuru*) Criminal Application No. 185 of 2004 (Unreported)). The case concerned a man convicted of subjecting his 3-year-old daughter to torture under the Children's Act, appealing against the length of his sentence of imprisonment. The High Court rejected the appellant's argument, that the fact that he was a parent disciplining his child was a mitigating factor. The Court affirmed the provisions of the Children's Act in relation to parental responsibility as distinguished from parental rights (section 23 of the Act), stating: "The society expects the appellant to give protection and love to his children, especially when they are of young and tender age ..." The case concerned the severe and sustained beating and pinching of a young child and the judgment addresses only the level of punishment which would fall outside what many people would call "reasonable", but it is important because it affirms the right of children under the new Act to be protected from torture and cruel, inhuman and degrading treatment and asserts that a parent's behaviour under the guise of discipline can constitute such treatment (traditionally seen to be committed by the state and not private individuals). It also confirms the power of the courts to examine the status of corporal punishment in the home.

Challenging faith-based violence against children

In every state in the world, there are some who assert that their faith approves of, or even requires, corporal punishment of children. But equally there are respected authorities in all the world's major faiths who assert that there is nothing inherent in their faith which justifies the continued legality and social approval of corporal punishment of children.

There is also a growing movement among religious communities to address violence against children based on faith.

The approach for religious communities' involvement can be grounded in the respect that each religion has for the human person and the spiritual imperative to value and protect children. Promotion and enhancement of life is the central principle of African traditional religions. Belief in God and in other spiritual beings implies the kind of conduct that respects the order established by God. Among the major divine attributes are goodness and justice.

To take good care of and show compassion towards children is one of the most commendable deeds in Islam. Islam encourages every human being to place the needs of others above his own. Corporal punishment and other forms of humiliation of children conflict directly with the advice of the Prophet, which is about treating those who are under the age of seven as children (employing tenderness and compassion), treating those from seven to 14 as siblings (with care and concern) and from 14 onwards as close friends (with trust and cooperation). The noble Prophet of Islam emphasised: "Be generous, kind and noble to your children and make their manners good and beautiful."

Anas (R), the Prophet's companion said: "I never saw anyone who was more compassionate towards children than the messenger of Allah." Children are regarded as amanat (trust) from Allah. Islam does not advocate violence against children. The Prophet said: "The strong is not the one who overcomes people by his strength, but the strong is the one who controls himself while in anger."

In all regions of the world there are minority groups of Christians who defend corporal punishment of children as their parental duty, using texts from the book of Proverbs to support this form of punishment, which is often called "Biblical discipline". But Christians look to the example of Jesus for the way to live their lives. Jesus was a teacher and Rabbi and an expert in interpreting the scriptures. There is no evidence to suggest that he cited the scriptures to justify hitting children. Jesus always treated the vulnerable and defenceless with love and compassion. All the recorded encounters between Jesus and children were kind, gentle and respectful, and his reported words about those causing children to stumble, and the consequences for doing so (Matthew 18:6), are amongst the strongest in the New Testament. Children were central to the social order Jesus initiated. When he set a little child in the midst of the disciples and said "The kingdom of God belongs to such as these" (Mark 10:14) he demonstrated enormous regard for children.

The World Council of Churches (WCC) decade of non-violence has drawn the attention of Christians to the prevalence of violence against children. For the first time, corporal punishment of children was on the agenda at the WCC World Assembly in Brazil in February 2006 and the Churches' Network for Non-violence (CNNV) organised an ecumenical workshop on ending corporal punishment.

In May 2006 the World Conference of Religions for Peace (WCRP) in partnership with UNICEF convened a consultation of religious leaders and experts in Toledo, Spain. During the consultation representatives from 30 countries pledged support for the United Nations Study on Violence against Children. The consultation identified approaches and inter-faith actions which religious groups could use to prevent violence against children including empowerment of children, the active participation of children and a review of resources to promote the dignity of the child.

The consultation produced a draft declaration on religious commitment to address violence against children which was formally endorsed in August 2006 at the Eighth World Assembly of WCRP in Kyoto, Japan.

Churches'Network for Non-violence (CNNV); Coordinator Chris Dodd
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"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 and other international and regional agreements. We urge them to establish appropriate mechanisms to ensure the effective implementation of these laws and to ensure that religious communities participate formally in these mechanisms. Our religious communities are ready to serve as monitors of implementation, making use of national and international bodies to maintain accountability."

Extract from 'A Religious Commitment to Confront Violence against Children' developed during the Global Inter-religious Consultation on Violence against Children held in Toledo, Spain 9 – 11 May 2006. Endorsed at the 8th World Assembly of Religions for Peace Kyoto, Japan 2006.

RECOMMENDATIONS

The Global Initiative to End All Corporal Punishment of Children promotes the following recommendations for immediate adoption and action in all states in the region:

1 Explicitly prohibit all violence against children, including all corporal punishment and other cruel or degrading punishment or treatment, in the family and in all other settings. This is required by the Convention on the Rights of the Child and by African regional human rights instruments. Law reform is required to repeal any existing defences that can be used to justify violent punishment and any laws that authorise it in any setting. Explicit prohibition in sectoral laws applying within the family and to alternative care, schools and the penal system is required to send a clear message.

This action, taken to date by less than 20 countries worldwide, sends a clear signal that children have an equal right to respect for their human dignity and physical integrity. The extent to which the law is respected and effectively and appropriately enforced may vary between states. But no state will make significant progress towards preventing and eliminating violence against children until it has a clear and well publicised legal framework prohibiting all violence. All states have criminal laws against assault; some have constitutions outlawing inhuman or degrading treatment; most have laws prohibiting “abuse” or cruelty; some have incorporated the Convention on the Rights of the Child and other international instruments into their domestic law. But none of this is adequate to challenge the traditional acceptance of violent and humiliating punishment of children.

2 Ensure that awareness-raising of children’s right to protection, promotion of non-violent childrearing and education and the principles of non-violent conflict resolution are built into all the points of contact with future parents and parents and into the training of all those working with or for children and families. Encourage political, community and faith leaders and educators to support this awareness-raising and public education.

Promoting non-violence does not have to be a separate and expensive process. All those in contact with future parents and parents can build messages into their programmes and activities, from ante-natal classes, through birth registration, immunisation, health surveillance and treatment, pre-school and school and so on. There is no shortage of models of programmes and materials which can be adapted for all states and cultures.

3 Involve children in the development of effective and appropriate action to eliminate corporal punishment and other cruel or degrading punishment or treatment.

Children's right to express their views freely on all matters concerning them, and to have those views given due weight, is upheld in the Convention on the Rights of the Child.

4 Review the extent of violent victimisation of children, including in the family, through confidential interview studies with children themselves and with parents and other carers.

Making the true extent of violence against children visible is an essential step towards gaining public support and political priority for its elimination. The methodology exists for such studies, involving confidential interviews with parents and with children, with appropriate ethical safeguards. Studies can be quite small scale, but must cover children of all ages and children in institutions and other forms of care as well as children living and/or working on the street and in other situations of child labour.

5 Review safeguards to protect children from all forms of violence in the full range of residential institutions and other forms of alternative care, state and private, and implement any necessary improvements.

Studies in states in all continents suggest that children in institutions and alternative care have suffered physical, mental and sexual violence on a huge scale and remain at risk unless a range of safeguards is implemented. These include effective training and vetting of all staff, regular, confidential reviews of all children's placement and treatment, independent inspection including interviewing of children and staff in private and protection of whistle-blowers.

These recommendations are also endorsed by Save the Children Sweden and by the organisations listed on page 2.

Research into the prevalence of corporal punishment and other forms of humiliating and degrading punishment of children

One indicator of the often low priority given to corporal punishment and other forms of humiliating and degrading punishment of girls and boys is the relatively low number of prevalence studies worldwide. This is a problem that is slowly being addressed and an increasing number of research studies are investigating the prevalence and incidence of corporal punishment and other forms of humiliating and degrading punishment of children in schools and in the home, although studies in relation to the penal and care systems are virtually non-existent. The same pattern is reflected in research in the African region. There are many states for which it has proved impossible to identify any relevant research. For others, prevalence figures are available for corporal punishment in the home and/or schools but there are very few examples of research in the penal and care systems. Some recent studies are also looking at other forms of humiliating and degrading punishment.

The studies described in this section show prevalence figures for corporal punishment in the home ranging from 37% to 98%, though the majority are at the high end of this range with studies in a number of states giving a figure of around 80%. Prevalence figures for corporal punishment in schools range from less than 20% up to 90%, though again the majority seem to be nearer the upper end of the range. Investigation of other forms of humiliating and degrading punishment has yielded figures ranging from 25% to 98%. Where gender is considered, boys seem to suffer more frequently and/or more severely than girls, although the discussion of research involving children's voices from page 38 illustrates that there is no simple correlation between gender and the experience of corporal punishment. It is often mothers who are responsible for the day to day infliction of corporal punishment, but fathers and others are also involved in such "discipline".

Variations in research design mean that the prevalence figures in the studies described are not directly comparable. Moreover, a number of studies have also highlighted a marked discrepancy between figures derived from adults' reports of their use of corporal punishment when compared with children's reports of being punished. This might be attributed to adults underreporting the use of corporal punishment in surveys. What is indisputable is the fact that corporal punishment and other forms of humiliating and degrading punishment is a part of far too many children's "normal" lives at home and school.

Botswana

In research by DITSHWANELO, a survey concerning corporal punishment in schools found that about 90% of respondents said they used corporal punishment on children (DITSHWANELO, 2006).

Cameroon

According to a study on corporal punishment made by the NGO EMEDA with UNICEF support in December 2000, 81.4% of families admitted to using corporal punishment against children as an educational measure (UNICEF, 2004).

Egypt

A study of 2,170 preparatory and secondary school students aged 10-20 years in 14 government schools in Alexandria in 1996-7, using a self-administered questionnaire, looked at corporal punishment in schools and in the home (Youssef et al., 1998; Youssef & Kamel, 1998). Almost four out of five boys (79.96%) and 61.53% of girls reported corporal punishment by teachers during one year, using hands, sticks, straps, shoes and kicks; more than a quarter of boys and 18% of girls reported that beatings caused injuries. Over 37% of children were beaten in the home by parents as a form of discipline and some were also burned (4.18%) or tied (0.37%). For over 25%, physical injuries resulted such as fractures, loss of consciousness and permanent disability; for 61% injuries included bumps and contusions as well as wounds (53%). For 23% the injuries required medical consultation. Corporal punishment was most commonly used against preparatory school aged children, and was increasingly likely the lower the educational attainment of the father and the larger the family size. This was more common for boys than girls (61% and 46% respectively), for younger than older students (61% and 39%) and for students in rural areas than in urban areas (57% and 50%). In the National Survey of Youth and Social Changes in 1999, 54% of youths at schools said teachers usually beat them (cited in Human Rights Center for the Assistance of Prisoners, n.d.).

As part of the World Studies of Abuse in the Family Environment (WorldSAFE) cross-national project, researchers looked at incidence rates for corporal punishment as self-reported by mothers covering the period of the previous 6 months (reported in Krug et al., eds, 2002). In Egypt, the most frequently reported forms of "severe physical punishment" were hitting the child with an object not on the buttocks (26%) and beating (25%); the most common forms of "moderate physical punishment" were shaking (59%), pinching (45%) and slapping the face or head (41%).

Ethiopia

Research undertaken by Save the Children Sweden in Ethiopia indicated that more than 90% of students were punished by their teachers, although 70% of teachers were aware of the negative effects of corporal punishment (Tsegaye, 1995-6; Rädda Barnen, 1998). Of teachers surveyed, 50% did not believe in the effectiveness of corporal punishment and 80% indicated their willingness to attend programmes on alternative disciplinary methods. In light of this research and the Constitutional prohibition of corporal punishment in schools in effect from 1995, workshops were organised over a period of three years, and a follow-up study was undertaken to assess their impact (Rädda Barnen, 2002). This study involved 907 teachers and 510 students from 40 government, public and private religious primary schools across Addis Ababa completing questionnaires, and interviews with people working in the education bureau. The information gathered on the frequency of corporal punishment over a period of one week showed a decline in comparison with the earlier study, from 90% to less than 20%. The types of punishments reported were hitting with a stick (27% teachers, 28% students), slapping (7% teachers, 25% students), pinching the ear (21% teachers, 13% students), punching (3% teachers, 8% students), kneeling down (54% teachers, 57% students), hitting on the head (19% teachers, 31% students), belting (5% teachers, 13% students) and whipping (14% teachers, 21% students).

In a study in which 1,223 children from five regions were interviewed, only 17 children (1.4%) stated that they had never experienced corporal punishment in the home (African Child Policy Forum on Violence Against Children & Save the Children Sweden, 2005). In other research, 21% of urban schoolchildren and 64% of rural schoolchildren reported bruises or swellings on their bodies resulting from parental punishment (Ketsela & Kedebe, 1997). In a survey of 1,000 street children interviewed in government sponsored research in 1992, 28% reported being on the streets because of family problems at home, and one third of the boys experienced being beaten at least once a week on the streets (Lalor, 1999).

Kenya

A 2004 survey by Population Communication Africa reported that over 60% of children believed that they had been or were being physically abused at school, including being slapped in the face, being hit on the body with a cane or stick, and being beaten, kicked or punched or otherwise physically bullied (Johnston, 2004). A survey of 267 adults and children and interviews with parents, teachers and children, reported in 2005, found that the most frequent forms of physical discipline used on children were smacking (78.8%), pulling ears (68.8%) and cuffing (61.5%) (ANPPCAN Kenya Chapter, 2005). Other corporal punishments included forcing a child to kneel on a hard floor (45.9%), tapping (43.3%), forcing a child to stand in the sun (33.2%) and burning fingers (19.7%). Almost two thirds of children (62.2%) said they wanted the use of corporal punishment to be stopped. Over half of parents (54%) said that physical punishment should not be stopped.

Liberia

Research by the NGO Cherish the Kids has shown that corporal punishment of children is common in most homes (Cherish the Kids, 2004). In a 1999 survey of 18,000 parents of children aged 5-15 years, 85% approved of corporal punishment. Of these, 46% approved of severe beating of children in cases of "gross misbehaviour". A survey of school chapters in 1999-2000 found that of 24,000 children from 41 schools in rural and urban areas, 81% said they had been physically punished or severely flogged by their parents. A large scale interview study of parents and children in rural areas showed that one third of children (38%) were disciplined by beating and flogging, and children reported that harsh discipline caused injuries.

Namibia

A study on childrearing among the Nama of Karas and Hardap regions found that 89% of Nama parents surveyed believed it is acceptable for parents to "beat up their misbehaving children", and 86% believed it acceptable for teachers to "beat up" children who misbehave (Zimba & Otaala, 1995). When asked for the reasons underlying this belief, 34% of parents felt it was an effective way of teaching the difference between right and wrong; 27% stated that it is the only way to elicit respect, honesty and good behaviour. Teachers felt that such punishment promotes discipline, respect, honesty and order (32%) and that it is acceptable if applied fairly and justifiably (28%). Unpublished research involving focus group discussions in the Windhoek, Mariental and Owambo regions found that corporal punishment was a daily occurrence in most families and was the most

common method of discipline, with many participants admitting that they were unaware of any other disciplinary methods (cited in Becker & Classen, 1996).

Nigeria

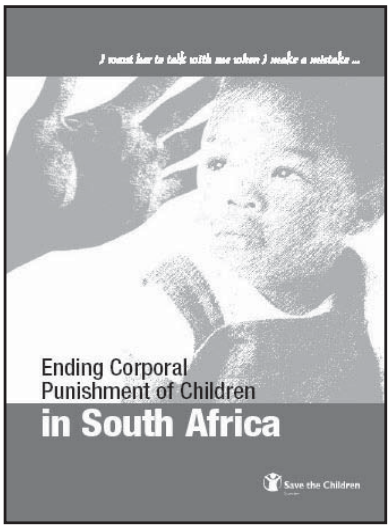
Large scale research in 2000 by the Centre for Law Enforcement Education (CLEEN), revealed that physical assault was one of the most common complaints against police by juvenile offenders (Alemika & Chukwuma, 2001). About two-thirds of the juveniles reported being verbally abused (66.5%), physically assaulted (64.7%) and threatened with beating (68.5%) by police. The figures relating to treatment by custodial officers were 43.5% for verbal abuse and 39.1% for physical assault. Corporal punishment was found to be frequently used in custody. More than a quarter (25.7%) of young offenders reported being flogged very frequently, 12.8% frequently, 44.1% sometimes and 17.4% never. The corresponding figures for other types of corporal punishment were: kneeling 25.9%, 13.8%, 33%, 27.3%; frog jumping 26.3%, 9.4%, 33.9%, 30.4%; and tough physical drill 14.1%, 20.6%, 30.4%, 0%.

Somalia

Information provided by the NGO Somalia Child Protection and Development (SOCPD) stated that in one study 30% of adults and 40% of children reported some form of beating being administered (Somalia Child Protection and Development, 2004).

South Africa

The first national survey of attitudes to childrearing and the use of corporal punishment by caregivers was undertaken in 2003, as part of the South African Social Attitude Survey (SASAS) (Dawes, Kafaar, de Sas Kropiwnicki, Pather & Richter, 2004). Out of a representative sample of 2,497 men and women over 16 years of age from all provinces, population groups and economic backgrounds, 952 parents with children were surveyed specifically on corporal punishment. More than half (57%) of parents reported using corporal punishment, most commonly on children aged 3 years, with 33% using severe corporal punishment (beating with a belt or stick), most commonly on 4-year-olds. Of those who had smacked their children in the past year, 30% were men and 70% were women, with fewer younger than older parents using corporal punishment. The study concluded that the strongest predictor of severe corporal punishment was an attitude supportive of the use of physical punishment.



In 2004, qualitative research by Save the Children Sweden involving 410 boys and girls aged 6-18 years found that

children of all ages and income categories experienced corporal punishment and other forms of humiliating and degrading punishment at home and in school, although very few cases of corporal punishment were reported by children in high income environments and children from Indian communities (Clacherty, Donald & Clacherty, 2005a). The most common form of corporal punishment was beating with a belt; in schools it was most often inflicted using a ruler, stick or board duster on the hands. The most severe forms were experienced by children from low income environments, in both the home and school. In general, boys reported being subjected to corporal punishment to a greater extent than girls. Girls seemed to receive corporal punishment less often as they got older. Girls from low income environments seemed to be exposed to humiliating and degrading forms of punishment to a larger extent than boys, not least as a strategy to control the perceived sexual activities of teenage girls. Schools from high income areas were generally not using corporal punishment. (See also "Children's voices" section, page 40)

Sudan

Research by Save the Children Sweden in Sudan looked at children's experiences of physical punishment at home and in school (Save the Children Sweden, 2005). Two reformatories and custody centres were also visited. In schools, reasons for being beaten by teachers included late arrival (41.1%) and failure to complete homework or recite Koranic verses (45.1%); of children at Koranic schools, 89% gave the main reason for corporal punishment as imperfect recitation of Koranic verses. In the home, reasons included disobedience (35.6%), persistent demands (28.4%) and making loud noises (24%). The most common form of corporal punishment by teachers and parents was reported by the children as whipping (87%). Almost half (48.1%) the children stated that they would not use corporal punishment on children when they were older, but 37.9% intended to use it. The children reported experiencing corporal punishment as very painful (35.6%) and embarrassing (5.8%). The punishment also invoked fear of teachers or parents (16.3%), weakness (9.8%), lack of respect for the person inflicting the punishment (8.6%) and hatred of the people and the setting where the punishment was carried out (12.3%). In the reformatories and custody centres visited, 65% of juvenile offenders said they had received corporal punishment at some stage of the juvenile justice process; 87% of those interviewed while in custody said they had been beaten by police to obtain a confession. (See also "Children's voices" section, page 49)

Swaziland

A large scale survey by Save the Children Sweden in 2005 looked at the experiences over a two week period of corporal punishment and other forms of humiliating and degrading punishment of 2,366 children aged 6-18 years (Clacherty, Donald & Clacherty, 2005b). Children revealed being subjected to high levels of corporal punishment in the home and at school: 18% reported being hit with the hand in the home during the two week period; 28% reported being beaten with objects such as sticks, belts, sjamboks and whips. Boys were punished for such behaviour as breaking or stealing things, not tending livestock properly, playing instead of working, and playing out too late. Young children, particularly girls, were punished in connection with household chores. In school during the two weeks, 20% of children reported being hit with a hand, and 59% reported being beaten with an object, most often sticks, canes, sjamboks and blackboard dusters. Generally, corporal punishment was more commonly used in low income environments and on younger children. Other punishments included physical labour or physical (and often humiliating) activities causing pain and discomfort. Children reported experiencing humiliating punishment, such as verbal abuse, name-calling and isolation from the home or family, at home (35%) and school (25%). Corporal punishment administered in front of others was also perceived as humiliating. Older children tend to experience humiliating and degrading punishment to a greater extent than younger children. The study

found no statistically significant difference between the levels of corporal and humiliating punishment received by boys and girls, with the exception of older boys who experienced humiliating and degrading punishment at school more often than girls. Qualitative data indicated that girls are particularly prone to verbal abuse, as parents attempt to control the perceived sexual activities of teenage girls. (See also "Children's voices" section, page 42)

Togo

From mid-2005, Plan Togo commissioned research into violence and abuse in schools (Plan Togo, 2006). This included a joint study with the Forum for African Women Educationalists (FAWE) which involved interviews with 1,000 schoolchildren in 35 villages and with more than 500 mothers of school aged children, teachers, traditional chiefs, members of security services, social workers and others, a case study on violence and abuse in Togolese schools comprising 19 first-person narratives and observations based on interviews with children, parents and teachers in 7 villages and 2 towns, and a discussion of structural violence in the education system in Togo. In the AWE research, children in their last 3 years of primary school were interviewed: 88% of the girls and 87% of the boys reported experiencing physical violence at school; 52% of girls and 48% of boys reported experiencing threatening behaviour or psychological violence. (See also "Children's views" section, page 50)

A 2003 Human Rights Watch report on child trafficking in Togo noted that many boys had been recruited into agricultural labour and worked very long hours, with many recalling that taking time off for sickness or injury would lead to longer working hours or corporal punishment (Human Rights Watch, 2003). Most boys interviewed reported suffering physical injuries on the job and some of these were from corporal punishment by employers. The report notes that girls trafficked for domestic or market labour also experienced frequent beatings, carried out by bosses or by other neighbours.

Tunisia

A study published in 1987 reported that only 20% of interrogated families said they never beat their children, that it is considered normal in the traditional culture to inflict corporal punishment on children and wives when they disobey, and that 64% of parents consider that beating their child is good for his/her education (Moncef, 1987). Young boys under 12 years are more exposed to corporal punishment than girls, and fathers are generally responsible for inflicting punishment, though mothers and teachers also beat children.

Uganda

In-depth research into children's experiences of all forms of violence against them was carried out in 2005 (Naker, 2005). A range of methods was used to look at the stories and opinions of 1,406 children aged 8-18 years (719 girls, 687 boys) and 1,093 adults (520 women, 573 men), including parents, teachers and community leaders, from five diverse districts. This included the administration of 1,000 questionnaires to children (in and out of school), of which 777 yielded valid returns, and 900 questionnaires to adults, of which 755 yielded valid returns. Other methods used were focus groups, narrative role play, journal writing and interviews. Almost all children (98.3%) reported experiencing physical violence at home and/or school, with a significant percentage reporting experiencing violence at least once a week or more. The most common forms were caning, slapping and pinching, followed by burning, locking up, tying up and "other" (e.g. kneeling, slashing grass, cleaning latrines). All types were more common for boys than girls except slapping, pinching and "other". Older boys were more likely to experience severe physical violence. Almost one third (31.3%) said they experienced physical violence at least once per week and 15% said it happened "every day"; 38.8% said it occurred mainly at home, 28.6% said mainly at school and 31.8% said both at school and home. Nearly all children (98.2%) also reported experiencing emotional violence, with 36.5% experiencing it at least once a week and 16.7% every day; 42.6% said it was mainly in the home, 21.2% school and 35.5% both.

Most adults (90%) agreed that in their communities children were deliberately beaten, with 37% saying children in their communities were "frequently mistreated"; 55.1% said "sometimes mistreated". Most (91.3%) described using a combination of physical and emotional punishment, most commonly caning (78.3%), then slapping (45.7%), pinching (42.8%), assigning excessive work (19.3%), locking children up (11.4%), tying them up (3.4%) and burning them (2.9%). Apart from caning, these figures are significantly lower than those given by the children. Only 1.2% said they themselves never punished children. Parents stated that the reasons they punished children were to make them compliant, obedient and respectful of traditions, although many doubted whether their methods would achieve this. While 87.9% said they punished children to guide their behaviour, only 32.6% believed the punishment would change the behaviour. 81.7% said they punished their own children and 57.9% said they felt comfortable punishing other children in the community. Of teachers, 80.1% reported punishing their own children and 60.4% their students.

Of community leaders, 89.4% punished their own children compared with 22.4% punishing others' children. (See also "Children's voices" section, page 47)

Research carried out by the Mulago Child Health Development Centre in Uganda showed that mothers were the main enforcers of corporal punishment, and between 55% and 82% of them reported caning, slapping or beating their children (cited in Economic and Social Council, 1999). Research by the Child Law Review Committee established that of the 129 children in conflict with the law who were found guilty and sentenced, 15.5% were caned (cited in Government of Uganda, 1996). In research by Save the Children UK focusing on deprivation and criminal behaviour, carried out in 2002, 116 children who had been convicted of theft and children at the national rehabilitation centre, aged 10-19 years, and 71 parents/guardians were interviewed (Kakama, 2002). The prohibition of caning in the juvenile justice system under the Children's Statute was perceived as a weakness by 14% of parents. The research confirmed that despite the law, children are tortured and beaten in police stations. 52% of parents said they normally disciplined their children by caning.

United Republic of Tanzania

Research in 1997 into the use of corporal punishment in schools across the country ("Kuleana study on corporal punishment in primary schools in Mara region") revealed a high prevalence rate and the strong support of parents in both urban and rural schools: 65% of pupils accepted corporal punishment, 85% of parents (reported in Government of Tanzania, 1999). All pupils disliked corporal punishment. Punishments included contorted body positions, frog jumps, push ups, kneeling down, standing in bright sunshine, lying on sand and lifting stones, with most pupils being subjected to more than two types.

Zambia

A large scale survey conducted by Save the Children Sweden in 2005, involving 2,321 children aged 6-18 years, found that 24% of children reported experiencing corporal punishment in the home during a two week period, including being beaten with hands, sticks and belts (Clacherty, Donald & Clacherty, 2005c). Despite the prohibition of corporal punishment at school, 32% reported being hit with a hand during the period and 38% with an object, most commonly a stick or hosepipe. Other punishments included hard physical labour and excessive physical exercise. Humiliating punishment was reported as being experienced in the home by 43% of children and in

school by 37% during the two week period. Examples included verbal abuse, being singled out, and feeling embarrassed when others laugh because of punishment being received. Corporal punishment was more common in low income than high income environments and more common for younger (6-12 years) than older (13-18 years) children. It was most often inflicted by mothers in the home and by teachers in schools. It was also administered by prefects in boarding schools. There was a small but consistent trend for boys to be subjected to corporal punishment more often than girls. The qualitative data show that more older boys than girls appear to be given punishments in the form of heavy labour. Older girls appear to experience humiliating and degrading punishment in the form of verbal abuse to a larger extent than boys, as parents attempt to control the perceived sexual activities of teenage girls and exposure to HIV/AIDS. Almost three in four children (70%) felt corporal punishment was unacceptable in the home and in school; 79% felt that humiliating punishment was unacceptable. (See also "Children's voices" section, page 44)

Zimbabwe

An analysis of epidemiological data of reported physical abuse of primary school pupils by teachers between January 1990 and December 1997 (73.9% reported to the Ministry of Education, 26.1% to the police) examined cases of corporal punishment which violated the regulations established for its administration (Shumba, 2001). The study found that of 38 cases, in 80.4% the victims were beaten, whipped or hit, in 10.9% they were clapped or slapped, in 4.3% punched with fists, in 2.2% kicked, and in 2.2% punched. Boys were more commonly physically punished than girls (58.7% compared with 41.3%).

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Children's voices across Africa

Involving children themselves in research on corporal punishment and other forms of humiliating punishment, with appropriate safeguards and standards of confidentiality, is vital to obtaining a true picture of the extent, nature and effects of such punishment. Retrospective studies based on adults' memories of their childhood experiences do not tell us what is happening in children's lives today, and adults' accounts of their own use of corporal punishment on their children are likely to be unreliable. The number of in-depth studies into children's experiences is increasing and such research has been undertaken in all regions (see www.endcorporalpunishment.org for summaries). In Africa in recent years, major studies have been carried out in Ethiopia, South Africa, Sudan, Swaziland, Togo, Uganda and Zambia. These studies not only reveal a picture of the prevalence of corporal punishment (as discussed in the previous section) but illustrate what it is like for children to live with such violence in their everyday lives, its limited effectiveness as a "disciplinary" method, and the positive alternatives that children say are more likely to be successful in changing their behaviour.

Save the Children Sweden has been working on the issue of physical punishment of children since 1994 in **Ethiopia** and wanted to increase knowledge of the use of and attitudes towards physical punishment in the state. In 1998 they published the report of a survey on attitudes towards physical punishment among Ethiopian students, parents and teachers (Rädda Barnen, 1998). Discussions were held with randomly selected children from an elementary school and a junior high school which included a look at factors leading to children's "bad behaviour" and at why physical punishment was used. When asked to define "bad behaviour", children identified eight behaviours which included six related to lack of respect for elders and parents. According to the children, three family-based factors lead to bad behaviour: loss of control, separation from parents and failure of the family to satisfy their basic needs. Other identified causes included exposure to violent movies, improper punishment and lack of proper time planning for study, play, and recreation. Children also reported being expected to conform blindly to adults' ideas, thoughts and wishes and act according to their demands.

The children discussed the types of punishments they considered acceptable – advice, knocking, slapping, pinching and whipping. One secondary student stated:

I am a human being and naturally make a mistake. Humans do not always follow rules. So it is necessary to use the whip when they don't obey rules. I believe that parents have the right to physically punish their children. I [also] believe that if the teacher teaches well and is able to get the attention of the students there is no reason for conflict. However, a student could sometimes deliberately create a condition for being physically punished. In such cases he/she has to be physically punished.

But despite this apparent acceptance of physical punishment, children were aware of its negative impact on their lives. In a focus group discussion with girls aged 13-14 years, the girls listed disturbed personality, physical injury, death, running away and suicide as effects of physical punishment. The same group of girls suggested the following alternative approaches to disciplining children:

- parents should use different approaches when advising and educating their children;
- schools should patiently teach and practise the code of conduct rather than using physical violence;
- create a dialogue with children before applying punishment;
- initiate and expand play and recreational facilities, different clubs like drama, sports, music clubs, etc;
- initiate and assist students running campaigns against excessive physical punishment, through jointly working with teachers and family.

Overall, children – particularly the older ones – spoke bitterly against severe physical punishments inflicted on them both by parents and teachers for simple reasons, although they couldn't rule out the use of physical punishment for offences which they thought were very serious. They asked for the initiation of a joint discussion forum of parents and teachers as a way to prevent such unwanted measures.

In 2004 and 2005, Save the Children Sweden funded large scale research into corporal punishment and other forms of humiliating and degrading punishment in the home and at school in **South Africa**, **Swaziland** and **Zambia**. The studies followed a common methodology of a survey of children aged 6-18 years plus focus group discussions involving children in three age groups (6-8 years, 9-12 years and 13-18 years). The groups explored child punishment as experienced in the home and in school.

"In conceptualising violence, the Committee recommends that the critical starting point and frame of reference be the experience of children themselves. Therefore children and young people must be meaningfully involved in promoting and strategizing action on violence against children"

Committee on the Rights of the Child, recommendations from General Discussion Day on violence against children, 2001

Children were not asked to identify who punished them, and were encouraged to speak in the third person about incidents of punishment in order to create emotional distance and increase confidentiality. At no point were the responses of children who showed signs of distress forced or probed.

All three studies highlighted the everyday nature of children's exposure to corporal punishment at home and in school, and the negative impact this had on their physical and mental wellbeing. In all three studies, children said they would prefer to be disciplined in a non-violent and non-humiliating manner. The majority found corporal and other humiliating punishment unacceptable in both the home and at school. They would like parents and teachers to talk to them and explain what they did wrong instead of using corporal punishment and other forms of humiliating and degrading punishment.

In the **South African** research, 410 boys and girls aged 6-18 years from four different provinces and socio-economic levels were surveyed and focus group discussions and other activities were carried out (Clacherty, Donald & Clacherty, 2005a). The research revealed that boys and girls of all ages and from all income categories received corporal punishment at home with the exception of children from environments with the highest incomes and children from Indian communities, where almost no cases of corporal punishment were reported. Most children were beaten with a belt. Children from low income environments were exposed to the most severe forms of corporal punishment in the home and at school. The frequency of corporal punishment decreased as children got older. The study also found a general, but not definite, pattern of corporal punishment being more commonly experienced by children in rural than in urban areas.

Sometimes my mommy or daddy hit me, sometimes with their hand or sometimes with a belt, Boy, Gauteng

We were all sitting with my sisters, brothers and cousins. He asked how am I talking to him and he hit me. He hit me with a pipe that has wires inside. He hit all over the body, Girl, KwaZulu-Natal

Corporal punishment was found to be common in all schools in areas with low income households, irrespective of children's age or gender. Children described it as most often being administered on the hands with a ruler, stick or board duster. In more affluent areas, some schools had clear policies to implement the legal prohibition of corporal punishment, while others had not yet managed to get rid of the practice among teachers. Schools in

high income areas generally did not seem to practise corporal punishment, but were instead using alternative, non-violent forms of discipline. As was the situation in the home, children from Indian communities experienced almost no corporal punishment.

The teacher hit me with a stick on the bum, Boy, Western Cape

She gave me five strikes on the buttocks. My heart was so sore and my bums were painful. I couldn't sit down the whole weekend. Every time I looked at the teacher I resented her, Girl, KwaZulu-Natal

Many children in this study described corporal punishment as humiliating, especially when administered in front of other people, or when people see the results of the punishment. A common punishment in school is to make children hold humiliating positions for long periods of time, or do humiliating physical activities in front of the class.

They also make us do motorbike [skuta]. You bend your knees, stretch arms straight as if you are riding a motorbike and it is painful when you do it for a long time, Girl, Gauteng

The two most common feelings children reported when they were punished were sadness and anger. Anger was a more common reaction in school when the punishment was perceived as unfair and sadness was more common at home. Other reactions reported were crying, fear, being embarrassed, withdrawal and compliance. A number of children reported aggressive behaviour, such as bullying or beating other children as a reaction to their own punishment.

I was feeling sad. Why? Because she hit me with the belt and it was painful, Boy, KwaZulu-Natal

So when my mom hits me, it feels like she doesn't love me, Girl, Limpopo

I felt like killing someone, Boy, Western Cape

I beat the children because I was angry, Boy, Western Cape

Most children who experienced corporal punishment would prefer to be disciplined in a non-violent manner. It also became clear from the study that children would like teachers and parents to talk to them and explain what they did wrong instead of using corporal punishment or other forms of humiliating or degrading punishment.

The research in **Swaziland** comprised a survey of 2,366 children, and focus groups involving 384 children (Clacherty, Donald & Clacherty, 2005b). The children were drawn from across four socio-economic levels, distributed across all regions of Swaziland, and were located through randomly selected schools.

Child participants were drawn across the three age groups from relevant grades across the schools, maintaining a gender balance throughout. The children surveyed were asked if they had been hit with a hand and/or beaten by an object and/or if they had been subjected to humiliating and degrading punishment within the last two weeks either at home or in school, and whether or not they accepted this treatment. They were also asked to state their preference from three alternative forms of punishment – hitting, talking, and other (such as to stay in one's room).

Almost one fifth of the children (18%) reported being subjected to corporal punishment by being hit with the hand in the home during the two week period. Almost a third (28%) experienced corporal punishment in the form of being beaten with objects such as sticks, belts, sjamboks and whips during the same period.

My mother beat me with a belt on my back. I came home late from playing with my friends, Boy, 9-12 year age group

She locked me into her room and hit me with a stick on my legs. She did not like it that I was playing with water, Girl, 9-12 year age group

Boys aged 6-12 years described being beaten for breaking things, stealing, not looking after livestock properly, going out to play instead of working, or playing out too late. Young children, mainly girls, were punished for issues related to household chores. Often corporal punishment was linked to additional punishment such as chores, hard physical labour or withholding food. A number of children reported being beaten by parents or relatives while the adults were under the influence of alcohol.

I had not washed the dishes. My mother beat me, told me to leave home and ordered me to go and plough the fields, Boy, 9-12 year age group

I had come home late by being held up with my friends. My aunt was totally intoxicated. When I was asked why I came late at night, I tried to explain but my explanation fell on deaf ears. I was cruelly flogged. I was beaten with a knobkerrie, Boy, 13-18 year age group.

In schools, one in five children (20%) reported being hit with a hand and almost two thirds (59%) reported being beaten with an object during the two week period. Children are most often hit in schools with the hand, sticks, canes, sjamboks and blackboard dusters. Reasons for the punishment included making a noise or talking in class, coming late to school, not completing work, not doing work correctly, failing tests, wearing incorrect uniform, dropping litter, losing books or leaving them at home, etc.

I was not able to count and I was beaten. I was beaten on my hand five times, Boy, 6-8 year age group

Teacher beat me with a big stick on my bums. She said I had not handed in my work, yet I had done so and she did not mark it, Girl, 9-12 year age group

In addition to more traditional forms of corporal punishment, Swazi children also experienced punishment involving physical labour. Another form of punishment was designed to cause discomfort or pain, for example, jumping up and down like a rabbit or sitting on an invisible chair for long periods of time.

The teacher made me sit on the invisible chair for one hour. I was making a noise in class, Girl, 6-8 year age group

I came to school late for the third time. My teacher made me dig a hole outside. Anyone who did anything wrong that week was made to dig the hole, Boy, 9-12 year age group

One day we were learning a new topic and I never understood it. My teacher started shouting at me; she started shouting that I'm becoming lazy and stupid because I had gotten a lot of things wrong in my work, Boy, 6-8 year age group

My teacher threw a duster at me and called me a useless piece of cloth. I raised my hand and gave a wrong answer. I cried as others laughed at me, Girl, 13-18 year age group

Children reported a range of feelings and behavioural responses to corporal punishment and other forms of humiliating and degrading punishment. In the older age groups, a number of children expressed very strong emotional responses to punishment experienced at home, such as outrage, embarrassment, isolation, being hated, withdrawal, shock, injustice, worthlessness, guilt and humiliation. Across all age groups the main feelings were sadness, regret, remorse or guilt. Many children in the lower income groups said anger was the primary feeling, as well as offence, unfairness

and a desire to get away. At school, anger and resentment about corporal punishment were more commonly reported across all age groups, but particularly by the older children. Apart from anger, younger children also expressed sadness and "feeling bad", often coupled with a desire to run away from school.

I came late to school and because I did not have the right socks my teacher told me to touch the wall and he gave me six strokes on the buttocks; when he realised that I did not have the proper type of socks, he gave me another six. I felt angry, Boy, 13-18 year age group

They were hitting me and shouting at me. They beat me many times. I had spilt methylated spirit. I felt pain where they hit me. I felt like running away, Boy, 6-8 year age group

Both at home and at school, the responses of the majority of children reflected high levels of powerlessness in the face of adult authority, which was felt to be absolute and unchallengeable. In many cases, particularly at school, children's anger gave rise to aggressive fantasies, and wishes for revenge, but none reported taking any action.

I had not washed my plate when I finished eating. My mother strangled me and I started crying. I did nothing. I felt like hitting her with a clenched fist, Boy, 13-18 year age group

The teacher came to me and he wanted to slap me and he took his rope and hit me with the rope. I felt like taking something and breaking him. I was thinking of killing him, Boy, 9-12 year age group

77% of children considered corporal punishment to be unacceptable in the home and in school; 81% felt humiliating punishment to be unacceptable. The overwhelming majority of children would like parents and teachers to talk to them and explain what they did wrong instead of using corporal punishment and other forms of humiliating and degrading punishment.

In **Zambia**, the research involved a survey of 2,321 boys and girls and focus groups involving a total of 384 boys and girls (Clacherty, Donald & Clacherty, 2005c). Children were drawn from across four socio-economic bands, distributed across all nine of Zambia's provinces and located through schools.

The research revealed that many boys and girls of all ages in Zambia experience high levels of corporal punishment and

other forms of humiliating and degrading punishment in the home and at school, despite its prohibition in schools. Almost one in four (24%) children reported being subjected to corporal punishment in the home during a period of two weeks. Children reported being beaten with hands, sticks and belts.

I was caned on the buttocks with a thick wooden whip because I stole meat from the pot, Boy, Copperbelt

I was beaten because I had refused to do house chores. I was beaten with a stick, Girl, Lusaka Province

Boys aged 6-8 years described being beaten for behaviour expected from young children, such as being high spirited and less coordinated. Older boys most often receive corporal punishment for such behaviour as not staying at home when told, staying out late, fighting, or breaking a window when playing. Girls in the age group 6-12 years seem to receive corporal punishment for breaking household goods or for not doing work at home. Children are also beaten for what is seen as a waste of resources.

I was beaten on my thighs with a cooking stick. I never swept the floor, Girl, Copperbelt

My guardian was checking my books and found one was light in weight so he asked me why the book was light and I told him that I get papers in the book for tests at school; but my guardian beat me, saying I deliberately rip papers from books because I like drawing. And I wasn't given any food, Boy, Lusaka Province

Regarding corporal punishment in schools, 32% of children reported being hit with a hand and 38% reported being beaten with an object, most often a stick or a hosepipe, during the two week period.

I never wrote my homework. I got whipped on my bum with a hosepipe, Boy, Lusaka Province

My teacher hit me on my back with her hands because somebody lied that I had insulted someone, Girl, Lusaka Province

In addition to more traditional forms of corporal punishment, punishments were given that often involved very heavy labour such as digging holes, levelling land, carrying rocks and slashing grass. Another form of punishment was designed to cause discomfort, pain and humiliation, for example frog jumping, kneeling or holding chairs or desks above the head for lengthy periods of time.

I arrived late and was told to dig a hole the size of my height, Boy, Southern Province

I was told to lift the desk on top of my head for one hour, because I sneaked out of the class to go buy a pen, Boy, Copperbelt

I was made to dig in the rain for not doing what the superior had instructed me as head boy to do. Other people started laughing, which made me feel ashamed as head boy, Boy, Copperbelt

Children said they would prefer to be disciplined in a non-violent manner. Most children found corporal and humiliating punishment unacceptable, and would like parents and teachers to talk to them and explain what they did wrong instead of using corporal punishment and other forms of humiliating and degrading punishment.

Talking to me kindly and hear the other side of a matter, Boy, Copperbelt

The teacher was beating me because I was playing although break was over. She should have told me not to do it again, Girl, Southern Province

Children reported a range of feelings and behavioural responses to corporal punishment, most commonly sadness, regret and anger. Anger is a more common reaction in school when the punishment is perceived as unfair. Other reactions reported are “doing nothing”, guilt, crying, loneliness, depression, unhappiness, physical pain and aggression.

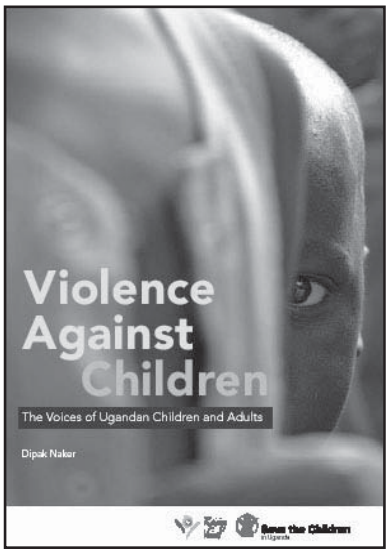
I was made to lift my hands up for some time as a punishment for not getting permission to go out. I felt my hands were aching. I felt my heart pumping fast and felt like the concrete block would kill me, Girl, Lusaka Province

I felt bad. I wished he wasn’t my dad. I felt like killing myself or running away, Girl, Lusaka Province

I felt like grabbing the sweep from her and beating her back, Boy, Southern Province

The majority of children (89%) wished to be treated with respect, to have adults listen to them, and to be given a better understanding of what they have done wrong.

In-depth research into children's experiences of all forms of violence against them was carried out in **Uganda** in 2005 (Naker, 2005). A range of methods was used to look at the stories and opinions of 1,406 children (719 girls, 687 boys), aged 8-18, both in and out of school, and 1,093 adults (520 women, 573 men), including parents, teachers and community leaders, from five diverse districts. The methods used were questionnaires (1,000 children, 900 adults), focus group discussions (42 with children, 28 with adults), narrative role play (100 children), key informant interviews (84 children, 58 adults), and journal writing (25 children). There were four advisory groups to the study, two of adults and two of children.



Children were asked about their experiences of violence against them, how often, by whom, how it makes them feel, how they react and what they believe should be done to prevent it. Adults were asked about their perspectives on violence against children, how they understood the term "violence against children", how adults in their communities punish children, how they themselves punish children, how they rationalise the punishments they use, and what they believe should be done to prevent violence against children.

You can't escape it. From when you are born to when you are grown-up, they beat you, shout at you, insult you, and do what they like to control you. I don't know why it has to be like that, Boy, 16 years

Everyone gets a slap or cane here. Sometimes you even get it twice a day, even from different people, Boy, 8 years

If you live with relatives you are beaten all the time, Girl, 14 years

I was beaten severely by my stepmother for wetting the bed, Girl, 12 years

Teachers beat us badly when we are late, and yet we come from far, Girl, 10 years

On the way, sometimes community members meet you and slap you over small things. For example, he can say that you have not greeted him so you are a bad mannered boy, Boy, 12 years

When asked how they felt when violence was committed against them, most children reported anger (66.7%). In focus group discussions, children talked about feeling indignation

followed by despair at their powerlessness. They said often that they did not understand or accept the logic of punishment and that adults ignored their pleas to be taken seriously, to engage in dialogue, or to receive an explanation for the punishment. The second most common response was fear (65.9%), particularly older and in-school children. This was followed by "feeling ashamed of oneself" (56.6%), particularly girls (60.3%) and out-of-school children (65.3%), which most commonly translated into withdrawal, shyness or low self-esteem. Children also reported wanting revenge (36%) and contemplating suicide.

I feel like my heart will explode if I start saying how I feel about her. She treats me worse than an animal and there is nothing I can do about it. I feel like running away and becoming a prostitute, Girl, 14 years

I feel like my heart is paining, Boy, 12 years

I feel like revenging, but I do not because these parents are big. I can do nothing, Boy, 12 years

I get regrets why I was born, Girl, 13 years

Most children felt that a non-punitive response to prevention of violence was preferable, such as engaging parents and teachers in a dialogue about how to relate to children more equitably and legislation which acts as a deterrent. Just over half recommended the involvement of the police, but many feared reprisal if there was an intervention.

If I say something to anyone, he will say "Go, let him keep you!" He may even start beating me more, Girl, 10 years

The government should teach parents how to treat children, Girl, 12 years

We should be put in boarding schools or live elsewhere so that we are not at home, Boy, 9 years

The teachers should be advised to stop beating the child before they have told you what is in their heart, Girl, 12 years

Teachers should organize a day and call parents and sensitize them on children's rights, Boy, 13 years

Community should also be responsible for the development of children in their area, Girl, 15 years

Advise children to report people who do bad things to them other than keeping quiet, and also teach them to report their fellow children who do bad things to them to elders so that they do not fight one another, Boy, 13 years

Parents should show love to their children and not shout at them when they make a mistake, because children fear their parents when they shout at them all the time, Girl, 18 years

Teachers should treat all children in school equally and stop hurting and punishing some particular children all the time, because we are all people, Boy, 15 years

Children should be asked how they should be punished instead of just beating them, Girl, 12 years

Qualitative research by Save the Children Sweden in **Sudan** looked at children's experiences of physical punishment in schools and at home through a variety of methods, including focus group discussions, role play, and drawing and writing activities with schoolchildren in Khartoum, interviews with their teachers or mentors, and observation (Save the Children Sweden, 2005). Participants included children with disabilities. In school, corporal punishment was used against children for many reasons, including late arrival, failure to recite Koranic verses, truancy, having a dirty or torn uniform, rudeness, fighting, disruptive behaviour in the classroom, failure to pay school fees and poor academic performance. Whole class punishments were also reported.

If we laugh, teachers consider this as impolite and accordingly they beat us. They also have many other reasons for which they think we are criminal. When we tease each other by throwing a ball or snatching something from a friend they immediately think we are thieves and have bad intentions, Schoolchildren, Sahafa

Teachers usually ask the school team in the last few hours of a competition to come to play a football match with another school. Or they might call an exam at the time we are preparing ourselves for a planned match. They usually like to choose the very worst time and when we don't comply with their wishes we will all be beaten and they call us stupid students whose "minds are in our shoes", Schoolchildren, Omburman

A teacher yells at me and she calls me an animal. She loudly shouts and say ya hayawan [animal] and then she immediately starts to beat me, Disabled child, 12 years

Injuries such as bruising and swelling resulting from corporal punishment were seen as "normal", and many children reported themselves or others sustaining more serious injuries. Children considered that the most important way to avoid corporal punishment was for teachers to have a greater understanding of their home circumstances which were often incompatible with school demands. They said that rather than corporal punishment they would prefer teachers to value what they do and to involve them in decision-making.

Children also reported experiencing high levels of corporal punishment in the home, and 89% of interviewed parents believed corporal punishment to be the best technique for achieving desirable behaviour in their children. Reasons for corporal punishment included disobedience, persistent demands for money, toys, food, etc, making loud noises, financial pressure, and demands from school.

We face a double punishment every time we have a problem either at school or at home. It's as if teachers and parents are working interchangeably to punish us. When there's a problem at home and we fail to do our homework, teachers beat us at school. We fail to do our homework because of the problem at home, Schoolchild, Omburman

Children's feelings on being punished included pain, fear and embarrassment. Their most preferred alternative to corporal punishment in the home was to be listened to.

It is very painful when they beat us and we fail to hide our tears or to stand the pain. We usually suppress the pain until a cry slips out. The pain is unbearable and the setting where we receive the punishment is usually in front of the entire class and we have to be brave or we're called cowards. At home, the same punishment is given where there is nothing to hide and in a setting where nobody will talk badly about you and instead you might find support from the rest of the family, Schoolchildren, Khartoum

Research commissioned by Plan **Togo** published in April 2006 included interviews with over 1,000 schoolchildren and 500 adults (Plan Togo, 2006). Corporal punishment in schools was found to be commonly experienced by boys and girls, with teachers beating children with a cane, a strip of rubber cut from a car tyre, or a whip. Children were beaten on their hands, on the tips of their fingers, on their buttocks or on their backs. Children reported being scared and unhappy at the level of violence used against them. Fifteen of the 250 boys interviewed

and 67 of the 750 girls said they wanted to stop going to school because of the violence they were experiencing.

When I see the stick, I want to cry. I tremble in front of the teacher

If the teacher hits me, everything immediately goes from my head. Even if I had lots of ideas before, the moment he hits me, I lose everything – I can't think

It was a Tuesday evening in 2005. The teacher asked a question; I replied; he asked the class if my answer was correct. Some aid "no" and some said "yes" ... He gave me the rubber whip, and asked me to hit those who'd said "no". I hit them, but because we're all classmates, I didn't hit them hard. The teacher took the whip from me and asked me if that's how one hits somebody. Then he hit me and beat me on my back until I was bleeding. My clothes were wet with blood and I was crying ... When I told my mother, she didn't say anything, not even that she would go and see the teacher. I didn't tell my father because I'm frightened of him

Many children, from both primary and secondary schools, said that they were not aware of having done anything wrong to provoke the punishment.

Teachers beat you when you've done nothing wrong. You get scared, and withdraw into yourself – you don't participate in class any more

In the late 1990s, the Togolese government began to develop a new Children's Code, to give force in domestic law to the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, though no Code has yet been passed. In November 2005, Plan facilitated a series of workshops with children and young people from across the country to discuss the Code. The children involved issued a strong call for the Code explicitly to outlaw corporal punishment in schools:

> *We want there to be an article which forbids the use of the baton and all corporal punishment in all schools, because [corporal punishment]*
> - *causes psychological disturbance to children*
> - *some children cannot concentrate on the lesson from the moment they see the cane*
> - *the cane intimidates children and prevents them speaking in class*
> - *ending corporal punishment will stop children running away from school*

- *ending corporal punishment will help stop children becoming delinquent.*

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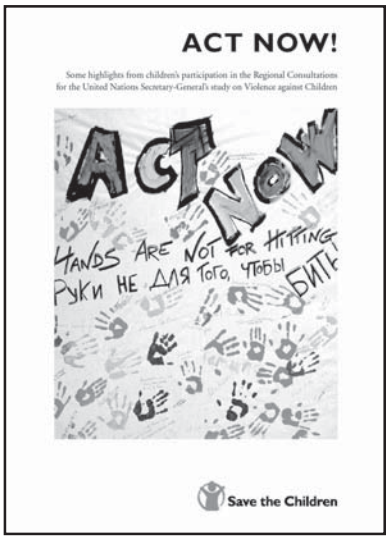
Children and the UNSG's Study

More than 260 children and young people from all over the world participated in the nine regional consultations of the **UN Secretary General's Study on Violence against Children** (see page 10). The resulting children's statement from each of the regions is available on the official website of the Study at www.violencestudy.org/r91. Save the Children has collated the children's contributions to the Study and compiled a summary of their recommendations (Save the Children, 2005). The children and young people's recommendations concerning physical and humiliating punishment are summarised as:

- *There should be an end to physical punishment. Encourage instead the use of non-violent discipline.*
- *Governments should create national laws against all forms of physical and humiliating punishment and find ways to put them into practice and properly monitor these.*
- *Forbid physical and psychological punishment of children in all settings (in homes, schools and as punishment in the justice system).*
- *Teach parents, teachers, employers and adults in general on the consequences of physical punishment.*
- *Adults (parents, teachers, law enforcement professionals, for example) should behave lovingly and affectionately towards children by practising positive discipline and not physical and humiliating punishment.*



What is the purpose of law reform against corporal punishment and how will it be implemented?

Children's rights to respect for their human dignity and physical integrity and to equal protection under the law require that the law effectively and equally protects them from all forms of corporal punishment and other humiliating punishment or treatment.

Equal protection for children **does** mean that any assault of a child that would be considered a criminal assault if directed at an adult should be considered and dealt with under the criminal law as a crime. All countries have laws which define and prohibit criminal assault and this definition should include all corporal punishment as a form of assault.

But this principle of equal protection for both adults and children in cases of assault **does not** necessarily mean that cases involving corporal punishment should result in prosecution of parents. This is very seldom in the interests of children, because of children's dependent status, and should only be used as an intervention of last resort.

In every case in which corporal punishment in the family comes to light, the aim must be first to seek to help parents and children through voluntary positive interventions – offers of advice, discussions with other parents and so on – which aim to stop violent and humiliating treatment of children.

In extreme cases of serious and continuing abuse, separating children from their parents may be the only way to protect them. And in those cases, according to the Convention on the Rights of the Child (article 9), there must be a court hearing, focusing on the best interests of the child and with the parents and child represented. In exceptional cases, where it is believed the child is at risk of severe violence, it may be necessary immediately to remove the child or the perpetrator to protect the child. But such measures should be temporary and only continued following a court hearing.

Equal protection under the law

Efforts to reform the law to prohibit all corporal punishment as a form of assault often meet with strong opposition. One of the fears expressed is that it will lead to thousands of parents being prosecuted and put in prison, or children will be taken away and put in institutions; it will turn children against their parents, and so on. But in the growing number of states in which the law has been changed, this has not been the experience. The first aim of these reforms, linked to awareness-raising and public education, is to raise awareness of the right of the child to equal protection. Changing the law and linking this to awareness-raising is likely to change attitudes and reduce violence against children. Adults' sensitivity to violence against children is likely to increase and this may lead to more reporting of such violence.

Controlling prosecution policy in relation to parental corporal punishment

In most countries, there is a code or advice to decide when prosecution for a crime should go ahead. This usually requires certain tests to be satisfied. For example:

- that there is sufficient evidence to make conviction likely;
- that the prosecution is in the public interest.

The prosecution of parents and other close family carers should only proceed when it appears to be the only way to provide the child with effective protection and other supportive interventions have failed. It is important that guidelines are developed and implemented which set out conditions for prosecution in these cases. In addition, detailed guidance is required for all those involved in child protection, including for example social workers, health workers, teachers and police. This should focus on the need for interventions to emphasise the dangers and illegality of hitting children and to seek to provide appropriate support for positive, non-violent parenting.

In advocating law reform, it can be emphasised that minor assaults on adults by adults, while clearly unlawful, very seldom get to court (in many states, the *de minimis* principle is recognised: that the law does not concern itself with trivial matters).

Some opponents of law reform will then respond: "But what is the point of a law if it is unenforceable?" The first answer is that the real purpose of law is education and deterrence to achieve protection, rather than prosecution. Prosecution is always a sign

of the failure of the law effectively to deter and prevent a child being assaulted.

The law will be as enforceable as the law on assault between adults, if the necessary evidence exists – but there will need to be consideration to determine whether prosecution is in the best interests of the child as well as in the public interest. In the few cases in which prosecution is considered necessary to protect a child, and in the child's best interests, it will be easier to pursue if parents can no longer defend assault before the courts as "reasonable punishment".

In order to deter parents from using corporal punishment in the privacy of their homes, the law needs to send a very clear message. That is the real purpose of explicit law reform. Having clear law that prohibits all corporal punishment enables all those working with and for families and children to promote this clear message.

Enforcing prohibition of corporal punishment outside the family

Corporal punishment in schools, other institutions and forms of care and places of employment must be prohibited explicitly in legislation. Prohibition through administrative circular or guidance is not adequate. Implementation and enforcement of prohibition requires proper administrative measures including awareness-raising of the law among adults and children; building knowledge of the prohibition into training, both initial and in-service, for teachers and other school personnel; rigorous inspection by trained inspectors independent of the institution (including interviews in private with children and adults); and access to advice, advocacy and independent complaints procedures for children and parents and ultimately access to the courts.

Respecting the law will or should become a contractual condition, so that teachers and others who continue to use corporal punishment risk losing their jobs. This in itself will act as a strong deterrent. In cases in which teachers and others, after warning, continue to use corporal punishment, prosecution is a legitimate and necessary response.

Promoting positive discipline

Law reform to prohibit all corporal punishment and other forms of humiliating punishment of children is required to fulfil children's rights. Law reform sends a strong educational signal, that it is no more legal or acceptable to hit or humiliate a child than anyone else. But law reform needs to be accompanied by comprehensive and sustained awareness-raising and public education – on the law, on children's right to protection and promoting positive, non-violent forms of childrearing and education.

In states in all regions of the world there are developed programmes and materials to promote positive discipline for parents, teachers and other carers. In some states, the government has taken the lead with public education. In others, non-governmental organisations, human rights institutions and private sector publishers and the media have taken initiatives (for links to a variety of programmes and materials, see www.endcorporalpunishment.org). This section provides details of some initiatives across Africa.

A number of states in the region have initiated awareness-raising campaigns on the negative effects of corporal punishment and other forms of humiliating and degrading punishment and the need for alternative methods of discipline, particularly in schools. In **Namibia**, following prohibition of school corporal punishment, the government sponsored a large scale "Discipline from Within" campaign, targeted at both schools and teachers. In **Ethiopia**, most Education Bureaux and Ministries of Labour and Social Affairs are collaborating with NGOs to work towards making abolition of corporal punishment in schools effective through awareness-raising in the community.

The **South African** government has taken a number of measures to implement the prohibition of corporal punishment in schools. Staff members have been appointed at the national and provincial Departments of Education to ensure adherence to the prohibition within the educational system. The national department has also published a manual for teachers on alternatives to corporal punishment, which has been distributed widely together with a guide for persons facilitating training on the manual. Training of a number of teachers as trainers of their peers on alternatives to corporal punishment has also been initiated.

The South African Human Rights Commission is promoting full prohibition of corporal punishment in the home. It also conducts education and awareness training workshops in schools and communities to promote appropriate forms of discipline.

Every four months the Children's Rights Project at the Community Law Centre, University of Western Cape publishes the journal *Article*

19 which seeks to promote positive forms of discipline and the abolition of corporal punishment and other forms of humiliating and degrading punishment of children throughout Southern Africa (see www.communitylawcentre.org.za/children/article19.php). For example, it includes reports on national progress towards legal reform, articles promoting positive discipline in schools and at home and explaining the negative effects of using corporal punishment, interviews with key people, and information about campaigns, conferences and resources.

The organisation RAPCAN (Resources Aimed at the Prevention of Child Abuse and Neglect), based in Cape Town, is implementing a programme on positive discipline. RAPCAN organises workshops for teachers on children's rights and positive forms of discipline, followed by visits to schools to assist teachers to implement what they have learned from the workshops in practice. In the future, the organisation will also meet with the management of schools to discuss the ways in which they can play a supportive role to the teachers. RAPCAN has also developed a toolkit to be used in training sessions on positive forms of discipline. The toolkit consists of a training manual and a "Tips for Teachers" booklet as well as a storybook for children with ideas for classroom activities to reinforce messages linked to positive forms of discipline (for further information see www.rapcan.org.za).

In **Swaziland**, Save the Children Swaziland is implementing a programme to train teachers on alternative forms of discipline, supported by RAPCAN.

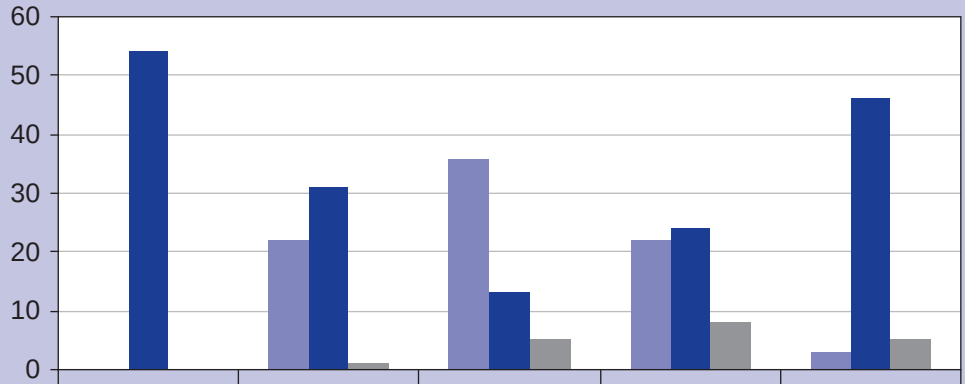
In **Kenya**, a study by ANPPCAN Kenya and Save the Children Sweden found that some schools, such as Starehe Boys Centre in Nairobi, hold strategic meetings between students and teachers to discuss issues affecting them, including the treatment of students by teachers, and this has been associated with a reduction in violence and the development of positive discipline. Most schools have also developed clear channels of complaints for students, through prefects, games captains and chairpersons of clubs or class teachers or deputy headteachers, and many now have guidance and counselling teachers. NGOs lobby for children's rights in schools. For example, the "No Kiboko Week" ("No Beating Week") was a campaign organised by ANPPCAN in April 2005. During the week the Standard Newspaper published a report by ANPPCAN on corporal punishment urging the Kenyan people to move from physical punishment to positive discipline of children.

In **Sudan**, the Youth for Children Association has been running awareness-raising activities on violence against children based on dialogue between children and adults. The Association organises community workshops where children speak to adults and other children about physical and humiliating punishment and its impact on them. Children are empowered to speak in schools and in the community on a day to day basis.

Save the Children Sweden has published a practical Manual for Action, providing detailed advice and ideas for all those working to end physical punishment and other forms of humiliating punishment. For details and to order copies, contact rbpublishing@rb.se

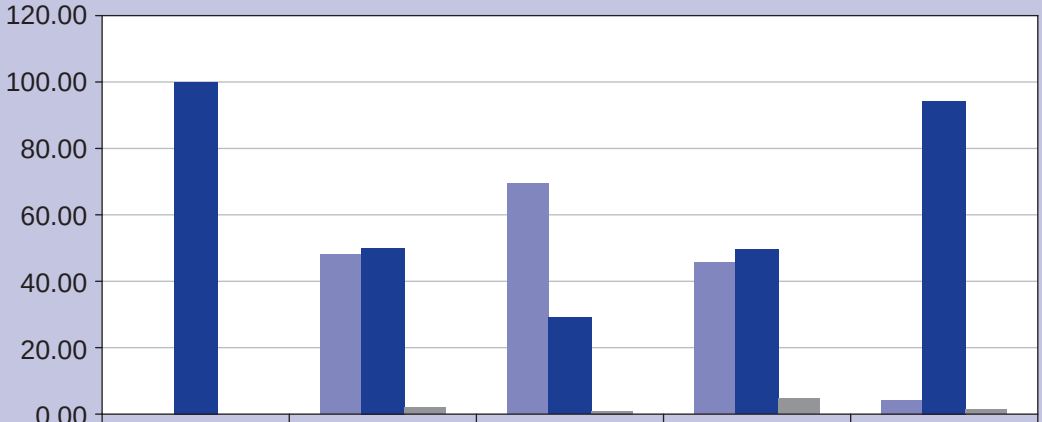
Africa: legality of corporal punishment of children

Legality of corporal punishment of children in African states



	Home	School	Penal system (sentence)	Penal system (disciplinary)	Alternative care
Prohibited	0	22	36	22	3
Not prohibited	54	31	13	24	46
Unknown	0	1	5	8	5

Percentage of African child population legally protected from corporal punishment



	Home	School	Penal system (sentence)	Penal system (disciplinary)	Alternative care settings
Prohibited	0.00	48.16	69.71	45.74	4.35
Not prohibited	100.00	49.79	29.18	49.35	94.26
Unknown	0.00	2.05	1.10	4.90	1.39

Population figures (2004) from UNICEF www.unicef.org, except Western Sahara from World Population Prospects: The 2002 Revision, http://esa.un.org/unpp/2pk0data.asp

PLEASE NOTE: The following information has been compiled from many sources, including reports to and by the United Nations human rights treaty bodies. 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 and please help us to fill in remaining gaps in the table.

For detailed reports on each state in the world, see the Global Initiative website: www.endcorporalpunishment.org

AFRICA

LEGAL STATUS OF CORPORAL PUNISHMENT OF CHILDREN

	Prohibited in the home	Prohibited in schools	Prohibited in the penal system		Prohibited in alternative care
			As a sentence for crime	As a disciplinary measure in penal institutions	
Algeria	NO	YES	YES	NO[1]	NO
Angola	NO	YES	YES[2]	NO[3]	NO
Benin	NO	NO[4]	YES	YES[5]	NO
Botswana	NO	NO	NO	NO	NO
Burkina Faso	NO	YES	YES	YES	SOME[6]
Burundi	NO	NO	YES	NO	NO
Cameroon	NO	YES	YES	YES	NO
Cape Verde	NO	NO[7]	YES	YES	YES[8]
Central African Republic	NO	NO	?	?	?
Chad	NO	NO	YES	NO	NO
Comoros	NO	NO	YES[9]	NO	NO
Congo, Republic of	NO	YES[10]	YES	NO	NO
Cote d'Ivoire	NO	?	YES	YES	NO
DR Congo	NO	YES	YES	SOME[11]	NO
Djibouti	NO	YES[12]	?	NO	?
Egypt	NO	YES	YES	YES[13]	NO
Equatorial Guinea	NO	NO	?	?	NO
Eritrea	NO	NO	NO[14]	?	NO
Ethiopia	NO	YES[15]	YES	YES	SOME[16]
Gabon	NO	YES	?	?	?
Gambia	NO[17]	NO[18]	YES	NO[19]	NO
Ghana	NO	NO	YES	NO	NO
Guinea	NO[20]	YES	NO[21]	?	NO

	Prohibited in the home	Prohibited in schools	Prohibited in the penal system		Prohibited in alternative care
			As a sentence for crime	As a disciplinary measure in penal institutions	
Guinea-Bissau	NO	YES	YES	YES	?
Kenya	NO	YES	YES	YES[22]	SOME[23]
Lesotho	NO	NO[24]	NO	NO	NO
Liberia	NO	NO	YES	NO	NO
Libyan Arab Jamahiriya	NO	YES	NO	?	?
Madagascar	NO	NO	YES	?	NO
Malawi	NO	YES[25]	YES[26]	YES[27]	SOME[28]
Mali	NO	YES	YES	YES[29]	NO
Mauritania	NO	NO[30]	?[31]	NO	NO
Mauritius	NO	YES	YES	NO	NO
Morocco	NO	NO[32]	YES	YES	NO[33]
Mozambique	NO	NO[34]	YES	NO[35]	NO
Namibia	NO	YES	YES	YES[36]	SOME[37]
Niger	NO	NO	YES[38]	NO[39]	NO
Nigeria	NO	NO	SOME[40]	NO[41]	NO
Rwanda	NO	NO[42]	YES	YES	SOME[43]
Sao Tome and Principe	NO	YES[44]	SOME[45]	?	NO
Senegal	NO	YES	YES	SOME[46]	NO
Seychelles	NO	NO[47]	YES	YES[48]	YES[49]
Sierra Leone	NO	NO[50]	NO[51]	NO[52]	NO
Somalia	NO	NO	NO	YES	NO
South Africa	NO[53]	YES	YES	YES	YES
Sudan	NO	NO[54]	NO	NO	NO
Swaziland	NO	NO[55]	NO	NO	NO
Togo	NO	NO[56]	YES[57]	YES	NO
Tunisia	NO	NO[58]	YES	YES	NO
Uganda	NO	NO[59]	YES[60]	YES	NO
United Republic of Tanzania	NO	NO	NO	NO	NO
Western Sahara	NO	NO[61]	YES[62]	YES[63]	NO[64]
Zambia	NO	YES	YES[65]	YES[66]	NO
Zimbabwe	NO	NO	NO	NO	NO

SEE NOTES OVER PAGE

Notes on Africa: legal status of corporal punishment of children

1 Information unconfirmed

2 Information unconfirmed

3 Prohibited for persons under 16 (information unconfirmed); possibly lawful for 16-17 year olds

4 Prohibited in formal education by government circular

5 But prohibition in legislation unconfirmed

6 Prohibited in institutions; not prohibited in foster care

7 Prohibited by Ministry of Education guidelines

8 Information unconfirmed

9 Information unconfirmed, and possibly lawful under Islamic law

10 But prohibition in legislation unconfirmed

11 Prohibited in Antoinette Sassou-Nguessou Re-education Centre

12 Information unconfirmed

13 But possibly permitted in social welfare institutions

14 Lawful under Transitional Penal Code but prohibited in Draft Penal Code

15 Prohibited by government directive and Constitution, but "reasonable chastisement" defence potentially available

16 Prohibited in institutions by the Constitution, but "reasonable chastisement" defence available

17 But 2005 Children's Act provides for 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"

18 But possibly prohibited under 2005 Children's Act

19 But possibly prohibited under 2005 Children's Act

20 Penal Code punishes "anyone who has deliberately injured or beaten a child under the age of fifteen", but no evidence of application to parental corporal punishment

21 Information unconfirmed

22 But as at May 2006 some legislation not amended

23 Prohibited in institutions

24 But as at March 2007, legislation prohibiting corporal punishment in preparation

25 Prohibited in Constitution

26 Prohibited in Constitution, but permitted in other legislation

27 Prohibited in Constitution, but permitted in other legislation

28 Prohibited in state institutions by Constitution

29 But no explicit prohibition

30 Prohibited by Ministerial Order

31 Possibly lawful under Islamic law

32 Prohibited by Ministerial direction

33 No prohibition in foster care; possibly no prohibition in other alternative care settings

34 But prohibited by government directives

35 Information unconfirmed

36 Declared unconstitutional in 1991 Supreme Court ruling; as at March 2005 not confirmed in legislation though a Child Justice Bill was under discussion

37 Unlawful in state institutions under 1991 Supreme Court ruling, but not confirmed in legislation; not prohibited in privately administered settings

38 Information unconfirmed

39 Information unconfirmed

40 Prohibited as sentence in 2003 Child Rights Act, but as at February 2005 this enacted in only 4 out of 36 states and other legislation not amended

41 Information unconfirmed

42 But as at 2005 legislation in preparation

43 Prohibited in child care centres

44 Information unconfirmed

45 Prohibited for persons under the age of 17 years, but possibly lawful for those aged 17 years

46 Prohibited in prisons and in training centres but possibly lawful in other penal institutions

47 Prohibited by policy

48 Information unconfirmed

49 Information unconfirmed

50 Possibly prohibited in 2005 Child Rights Bill, as at September 2006 not in force

51 Prohibited in 2005 Child Rights Bill, which repeals the Corporal Punishment Act, as at September 2006 not in force

52 Possibly prohibited in 2005 Child Rights Bill

53 Law Commission and others have proposed to include removal of "reasonable chastisement" defence provision in Children's Bill but as at March 2007 debate continuing

54 1993 School Regulations prohibits for girls, allows four lashes for boys

55 But prohibition proposed in new legislation

56 Prohibited in 1980 Ministerial Order

57 But used in traditional courts

58 Prohibited by Ministerial circular

59 Prohibited in state schools by Ministerial guidance

60 But as at March 2006 some legislation not amended

61 Information unconfirmed

62 Information unconfirmed

63 Information unconfirmed

64 Information unconfirmed

65 Ruled unconstitutional by Supreme Court in 1999, but as at June 2005 some legislation not amended

66 Ruled unconstitutional by Supreme Court in 1999, but as at June 2005 some legislation not amendedp

The Global Initiative to End All Corporal Punishment of Children is administered by the Association for the Protection of All Children, APPROACH Ltd, a registered charity No. 328132. Registered office 94 White Lion Street, LONDON N1 9PF, UK.

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. We believe ending all corporal punishment is fundamental to improving the status of children and realising their rights to respect for their human dignity and physical integrity and to equal protection under the law.

Global Initiative to End All Corporal Punishment of Children
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SAVE THE CHILDREN SWEDEN is a non-profit organisation without religious or political affiliation, which fights for children's rights. We influence public opinion and support children at risk in Sweden and in the world.

Save the Children Sweden opposes all corporal punishment and other forms of humiliating and degrading punishment of children. Corporal punishment breaches children's human right to a life free from all forms of violence. Save the Children Sweden believes that states should explicitly prohibit all corporal punishment of children. Legal reform should be accompanied by public education campaigns and training of parents, teachers and other adults caring for children on children's rights and positive forms of discipline.

Save the Children Sweden has four regional offices working in Africa:
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Regional Office for West Africa in Senegal
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Regional Office for Eastern and Central Africa in Ethiopia
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