



Ending Corporal Punishment of Children: Africa E-Newsletter

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Issue 5: August 2011

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The highlight of this issue is that as South Sudan achieved independence on 9 July 2011, it also became the 3rd African state to prohibit all corporal punishment of children, including in the family. This brings the total number of fully prohibiting states worldwide to 30.

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1 Who we are

The Global Initiative to End All Corporal Punishment of Children is a nongovernmental organisation (NGO) which aims to act as a catalyst to encourage more action and progress towards ending all corporal punishment in all continents. We support national campaigns with relevant information and assistance (www.endcorporalpunishment.org). The African Child Policy Forum (ACPF) is an independent, Pan-African research and advocacy organisation which aims to put children in Africa on the public and political agenda through promotion of supportive policies and laws. ACPF works with other child rights organisations and governments to develop and implement effective pro-child policies and programmes (www.africanchildforum.org).

The Global Initiative and The African Child Policy Forum initiated a joint project in 2009 to promote law reform and support national campaigns in all regions of Africa with information and strategies. The joint project aims to build a continent-wide network of supporters of prohibition of corporal punishment of children in Africa.

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2 Recent developments in Africa

Prohibition of all corporal punishment

South Sudan: With the achievement of independence on 9 July, South Sudan can now be recognised as the 30th country to prohibit all corporal punishment of children, including by parents. Prohibiting legislation was originally enacted in 2005 under the Interim Government of South Sudan, in article 21 of the Interim Constitution of Southern Sudan. Prohibition was subsequently confirmed in article 21 of the Child Act (2008). Now a new Constitution is in force – the Transitional Constitution of the Republic of South Sudan (2011) – article 17 of which prohibits all corporal punishment: "Every child has the right ... (f) to be free from corporal punishment and cruel and inhuman treatment by any person including parents, school administrations and other institutions...." South Sudan is the third state to achieve full prohibition in Africa, alongside Tunisia and Kenya. For further information see www.endcorporalpunishment.org.

Positive moves

Republic of Congo: Article 53 of the Child Protection Law 2010 includes prohibition of corporal punishment. We are currently trying to establish whether it amounts to prohibition in all settings, including by parents – we will definitely keep you informed!

Zimbabwe: There are plans to revise subsidiary legislation under the Child Act to prohibit corporal punishment of boys in schools (corporal punishment of girls is already prohibited).

Other developments

Lesotho: The Children's Protection and Welfare Act 2011 was passed in June, replacing the outdated Children's Protection Act 1980. We have yet to examine the full text of the new law: in draft form it included provisions prohibiting corporal punishment as a sentence for crime but authorising "justifiable" discipline.

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3 Campaigns and other moves towards prohibition

The Women's World Summit Foundation Children-Youth Section has launched a Prevention Kit for a new campaign of 19 days of activism, to run from 1 to 19 November 2011. The campaign covers many types of violence against children but its main theme in 2011 is the prevention of corporal punishment. The Prevention Kit provides background information on the issue to support successful campaigning and awareness raising, including on the importance of law reform as a preventive measure, ideas for action and selected resources. For further information see http://www.woman.ch/.

A Global Summit on Ending Corporal Punishment and Promoting Positive Discipline was held in Texas in June, which aimed to (a) raise public awareness about the rights of children and problems associated with corporal punishment, (b) bring together individuals from different walks of life and professionals committed to ending corporal punishment of children, and (c) develop strategies for advancing the worldwide movement to prohibit and eliminate all corporal punishment of children. The Summit gathered more than 100 participants coming from 21 countries including Ethiopia, Ghana, Mauritius, Nigeria, South Africa, Sudan, Tanzania and Uganda. The African Child Policy Forum (Ethiopia) and Raising Voices (Uganda) presented on recent regional progress in Tunisia and Kenya, engaging with cultural communities in Africa, and promoting positive discipline in schools in Uganda. The summit concluded with the adoption of a proclamation against the use of corporal punishment, including in homes and schools. For further information, including presentations, backgrounds documents, etc, see the summit website.

The **World Day of Prayer and Action for Children**, an initiative of <u>Arigatou International</u>, is a global movement to encourage secular and faith-based organisations to work together for the well-being of children and is celebrated every 20 November. At a planning meeting in Geneva it was decided to adopt the theme of "<u>Stop Violence Against Children</u>" for 2011-2013. Preventing violence against children in the home, schools, care settings, the workplace and the community will inform all World Day activities, with a particular focus on the abolition of corporal punishment, the prevention of early child marriage and the promotion of birth registration.

National news

Gabon: In May, Managers of the NGO Acade Internationale carried out an educational campaign for women and children on violence at the Nzeng-Ayong Market in Libreville. Acade Internationale has identified key issues faced by women and children which include ill-treatment, negligence and corporal punishment. Josiane Nse Nang, trader and representative of the market women's association called for general mobilization in order to put an end to these forms of violence. (GabonNews, 29 May 2011)

Ghana: In July, during a day's sensitization workshop organized by Ghana NGOs Coalition on Rights of Children (GNCRC) in Ho, some students appealed to the Government to prohibit corporal punishment in schools. The students said that corporal punishment intimidated them and affected their concentration in the classroom. Edwin Gamadeku, Volta Regional Director of the Department of Children, stated that the Ministry was working towards the prohibition of corporal punishment in school. For more information, please contact: gncrc@4u.com.gh (Spyghananews, July 18, 2011)

Zambia: During the official launch of a Civic Education Campaign on ending corporal punishment and poster exhibition called "Corporal Punishment Free Zone" in Lusaka, in May, the <u>Zambia Civic Education Association</u> and other stakeholders called for the immediate eradication of corporal punishment of children in society. The Human Rights Commission Executive Director Enoch Mulembe stated that corporal punishment is a human rights issue which violates the protection of human rights, dignity and integrity.

And ...

A high-level **Expert Meeting on "Tackling Violence in Schools"** was held in June in Oslo, Norway, organised by the Norwegian Government, the Council of Europe and the SRSG on Violence against Children Ms Marta Santos Pais. The importance of prohibiting and eliminating corporal punishment in

schools was a key element of the discussion, at which The Global Initiative launched its new global report in schools (see below).

On 6/7 July, an International Expert Consultation on Violence against Children and Law Reform was held in Geneva, hosted by the SRSG on Violence against Children in cooperation with OHCHR, the Inter-Parliamentary Union (IPU) and the International NGO Advisory Council for follow up to the UNSG's Study on violence against children. The aim was to accelerate the adoption of effective legislation to protect children from all forms of violence. The Kenyan experience of law reform was presented and The Global Initiative also prepared an extended briefing on what can be learned from states which have achieved prohibition of corporal punishment in all settings (for a copy see www.endcorporalpunishment.org or email info@endcorporalpunishment.org).

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4 Human rights monitoring

Key decisions and recommendations, etc.

Chairperson of the **African Committee of Experts on the Rights and Welfare of the Child**, Mrs Agnes Kabore/Quattara, issued a <u>statement on violence against children</u>. The statement calls for increased efforts to end violence against children, urging governments to sign and ratify the African Charter on the Rights and Welfare of the Child, to implement laws against violence and provide resources to eliminate violence in schools. The statement also highlights that social and cultural norms and traditions which accept "corporal punishment and other harmful traditional practices should be publicly condemned and eliminated".

In July 2011, in response to the Committee's statement, the Southern African Network to end corporal and humiliating punishment issued a letter calling on the Committee to "be more specific and blunt in its pronouncement against corporal punishment of children within the family in order to eliminate any confusion/misinterpretation that arises from member states' interpretation of the African Committee's position regarding corporal punishment of children within the family". The Network also urged the Committee to incorporate "express recommendations to State Parties for the prohibition and elimination of corporal punishment of children in all spheres within its statement on violence and within the African Committee's responses and recommendations to state party reports". For more information on please contact Deidrek@saf.savethechildren.se or Kerry-Jane@rapcan.org.za

The Committee on the Rights of the Child issued concluding observations on states examined at its 57th session in May/June 2011 – including Egypt. The Committee recommended law reform to ensure children are legally protected from corporal punishment, together with measures to ensure full implementation of prohibition. The Committee's recommendations are included in the updated individual country reports at www.endcorporalpunishment.org.

The Human Rights Council adopted a <u>new Optional Protocol</u> to the Convention on the Rights of the Child which provides for the Committee on the Rights of the Child to receive communications (complaints) concerning violations of child rights. It now goes to the UN General Assembly for adoption hopefully in the next 3 months and should be open for signature and ratification in 2012. The African Charter on the Rights and Welfare of the Child also includes provisions on communications (Art. 44).

The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child have decided to issue a joint **General Recommendation/Comment on Harmful Practices**.

Information from civil society is invited, with a deadline of 31 August. For details see the official <u>call for submissions</u>.

The **Committee against Torture** examined states' implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment at its 46th session in May/June. The Committee expressed concern at the legality of corporal punishment of children in the home and other settings and recommended law reform to explicitly prohibit it in Ghana and Mauritius.

The ILO has adopted **a new Convention**, the <u>Domestic Workers Convention</u>. It does not explicitly refer to corporal punishment but does provide for protection from all forms of violence and therefore potentially provides opportunities to promote prohibition of corporal punishment of children.

Briefing the human rights bodies

The Global Initiative regularly briefs human rights treaty monitoring bodies prior to examination of state parties, and encourages national NGOs and human rights institutions to do likewise. Current opportunities to submit advance briefings on states coming up for examination are listed below. We are always willing to advise NGOs and human rights institutions on the practical details of how to submit briefings (email info@endcorporalpunishment.org).

- The *Committee on the Rights of the Child* pre-sessional working group will be meeting at its 58th session in October 2011 to consider the issues to raise in its forthcoming examination of Algeria. The deadline for briefing the Committee has passed. We will include details on how to contribute to the following session as soon as they become available.
- The *Committee Against Torture* pre-sessional working group will be meeting at its 47th session in October/November 2011 to consider the issues to raise in its future examination of Rwanda. **The deadline for briefing the Committee has passed.**
- The *Committee on Economic, Social and Cultural Rights* pre-sessional working group will be meeting at its 47th session in December 2011 to consider the issues to raise in its forthcoming examinations of Ethiopia, Mauritania and Tanzania. **Briefings on these countries should be submitted by 10 October 2011.**
- The country report task forces of the *Human Rights Committee* will be meeting at its 103rd session in October/November 2011 to consider the issues to raise in future examinations of Kenya and Cape Verde. **The deadline for briefing the Committee has passed.**
- The 12th session of the *Universal Periodic Review* will take place in October 2011, the final session of the first cycle of the Review. The deadlines for making submissions have now passed. The second cycle of the Review is due to begin in June 2012. **We will include information on deadlines for submitting briefings at the earliest opportunity.**

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5 Resources: Research/Reports/Publications

Resources to support law reform:

New handbook to support faith-based approaches to ending corporal punishment

Ending corporal punishment of children: A handbook for working with and within religious communities (2011), with a Foreword by Marta Santos Pais, SRSG on Violence against Children, is a new joint publication from the Churches' Network for Non-violence, the Global Initiative to End All Corporal Punishment of Children and Save the Children Sweden. Packed with positive examples and links to resources, it aims to help those working with and within religious communities to harness faith-based support for reform in their efforts to end corporal punishment of children. It includes the following sections:

- (1) Introduction, describes the links between religion and corporal punishment of children
- (2) Corporal punishment of children a global problem, discusses prevalence and impact research, children's perspectives, the importance of legal reform and progress towards it, with examples of religious leaders' involvement
- (3) Children's right to protection from corporal punishment, looks at the UN Convention on the Rights of the Child and its relevance to religious practice
- (4) Religious perspectives, discusses the challenges of faith-based opposition to prohibition and ways of responding to it, drawing on faith-based support for law reform and perspectives on children and non-violence from the major world religions
- (5) Working with faith groups to achieve reform and (6) Taking action through religious leaders' existing roles and functions, address ways of engaging with faith leaders and organisations and developing partnerships at all levels.
- (7) Resources, lists further resources relevant to the above sections.

A limited number of hard copies are available from <u>info@churchesfornon-violence.org</u>.

Report on corporal punishment in schools

A new report has been published by the Global Initiative, <u>Prohibiting all corporal punishment in schools:</u> <u>Global Report 2011</u>. Beginning with the human rights imperative to prohibit – "Children do not lose their human rights by virtue of passing through the school gates" – the report summarises research on corporal punishment in schools and illustrates progress in all regions. It covers the key elements of achieving prohibition in schools and how the law can be implemented and enforced. The report includes examples of laws from states which have achieved prohibition and a list of useful resources to support the promotion of law reform. A limited number of hard copies is available from <u>info@endcorporalpunishment.org</u>.

Other resources:

International studies

The **Children's Legal Centre (UK)** and **UNICEF** have published a report on children in detention which includes information on children's exposure to corporal punishment while detained and the international human rights standards against it. <u>Administrative Detention of Children: A Global Report</u> is intended as a discussion document. It covers the detention of children for purposes of security, immigration and on health grounds, as well as children who are detained because they are in need of care and protection or in conflict with the law.

National studies

West Africa: Talwar V., Carlson S. M. and Lee K. (2011), "Effects of a Punitive Environment on Children's Executive Functioning: A Natural Experiment", Social Development, 26 July 2011

DOI: 10.1111/j.1467-9507.2011.00617.x. This study involved 63 children in kindergarten or first grade at two West African private schools. In one school, discipline in the form of beating with a stick, slapping of the head, and pinching was administered publicly and routinely for offenses ranging from forgetting a pencil to being disruptive in class. In the other school, children were disciplined for similar offenses with the use of time-outs and verbal reprimands. The findings suggest that compared to a school relying on milder disciplinary measures such as time-outs, a harshly punitive environment may have long-term detrimental effects on children's verbal intelligence and their executive-functioning ability. As a result, children exposed to a harshly punitive environment may be at risk for behavioral problems related to deficits in executive-functioning. For more information, see:

http://onlinelibrary.wiley.com/journal/10.1111/(ISSN)1467-9507

Nigeria: Mahmoud A. O., Ayannniyi A.A., Salman M.F. (2011), "Observations of teachers in Ilorin, Nigeria on their practices of corporal punishment that are potentially injurious to their pupils' eyes", Annals of African Medicine Vol. 10, No. 2, 2011, pp. 150-154. The research paper aims to document the observations of elementary school teachers in Ilorin, Nigeria on their practice of some types of corporal punishment that could result in eye injuries among their pupils. Over three quarters of elementary school teachers (80.2%) observed that pupils were disciplined by their teachers with a cane. It was also observed that corporal punishment was inflicted to pupils' heads (19.8%) and faces (16.3%). Findings suggest that elementary school teachers' commonly employed corporal punishment practices have significant injurious potential to their pupils' eyes. It is recommended that corporal punishment is prohibited, and instead alternative methods of disciplining pupils are introduced.

South Africa: Statistics released in May show an increase in the use of corporal punishment in schools in some areas despite an overall decrease nationally. According to Statistics South Africa's latest General Household Survey (GHS 2010), from 2009 to 2010 there was an overall decrease in students experiencing corporal punishment, from 17% to 14%. But in the Northern Cape the figure rose from 5.6% to 17.5% and in the North West from 12.7% to 21.7%. Corporal punishment was most commonly experienced in Eastern Cape (23.3%), North West (21.7%) and KwaZulu-Natal (21.1%). The GHS was conducted July to September 2010 and involved face to face interviews in 25,635 households. Corporal punishment was prohibited in schools in South Africa in 1996.

Sudan: A report on the development of alternatives to corporal punishment in schools has been prepared by the Child Rights Institute in Khartoum and Save the Children Sweden/Sudan. Written by Nahid Ms. Alhassan Ali, Psychiatrist and Director of Alternatives to Corporal Punishment Program, Alternatives to Corporal Punishment describes the programme which began three years ago with the development of a manual on positive discipline, offering support for children affected by war through providing a friendly environment in schools(see our issue no. 2). It describes a series of workshops for ministers, administrators and teachers which led to the adoption in 2010 of a Resolution against the use of corporal punishment in primary schools in Khartoum. There are plans to extend the training workshops nationwide and to target families as well as educators. For further information email sudanchild@hotmail.com.

Uganda: A <u>new study</u> by ANPPCAN Uganda focused on physical, sexual and emotional violence in 25 public and private primary schools, involving 1,015 children and 52 professionals. It revealed a range of corporal punishments being used, including children being beaten, denied food, locked in rooms, given difficult work and being forced to kneel in front of other children. Four out of five children (81%) reported having been beaten at school; 82% said they had witnessed friends being caned. Most school administrators said they limited beatings to two strokes of the cane; in some schools beatings were authorised by the PTA. Most perpetrators were teachers (73%), followed by

other pupils (15%) and parents/guardians (12%). The study makes a number of recommendations to end violence in schools, including through passing the currently proposed amendments to the Children Act which would prohibit corporal punishment.

A report by Human Rights Watch – <u>Even Dead Bodies must Work: Health, Hard Labor, and Abuse in Ugandan Prisons</u> – documents corporal punishment of prisoners in Uganda, including beatings with batons, canes, sticks, whips and electric cable and wire, despite the prohibition of corporal punishment in the Prisons Act (2006). Children are sometimes detained with adults in prisons, even though this is prohibited. The report calls for efforts to end the use of corporal punishment and prosecution of persons who inflict it.

New websites

The website of the **Special Representative of the Secretary General on Violence against Children** is now live: http://srsg.violenceagainstchildren.org/

The **Child Rights Information Network** (CRIN) launched its new <u>Arabic website</u> and <u>CRINMAIL</u> to coincide with World Press Freedom Day on 3 May. The website provides comprehensive information and advocacy tools on all children's rights, including the right to protection from corporal punishment. It will provide ongoing coverage of children's rights news, related activities and events at regional and international levels. Key resources have been translated into Arabic, including laws relating to corporal punishment, CRIN's microsite on violence and the main page for the campaign against inhuman sentencing of children.

Spare the Kids is a new website set up by Dr Stacey Patton in the US, who describes herself as adoptee, child abuse survivor and former foster child turned children's advocate, journalist, historian, college professor and motivational speaker. The mission of Spare the Kids is to provide Black parents, families and communities with a full range of alternatives to corporal punishment and to reduce the number of children in the child welfare and juvenile justice systems. The website features a cartoon series (Mother Wit) promoting positive parenting, a blog, and information on workshops on a variety of relevant themes.

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6 Media watch

Congo Rep.: During a public awareness event organized around the Day of the African Child on 11 June, the director of the Congolese Child Protection Unit made reference to the 2010 Child Protection Law which aims to prohibit corporal punishment of children in Congo Republic.

(http://lasemaineafricaine.com/index.php?option=com_content&view=article&id=1050:journee-internationale-de-lenfant-africain--les-journalistes-sensibilises-pour-lutter-contre-le-phenomene-des-enfants-de-la-rue&catid=3:societe&Itemid=10)

France: The parents of two girls aged 16 and 9 have been arrested in Versailles, after they had been accused of regularly inflicting severe corporal punishment on their daughters. The girls were reported to have been severely beaten at least once a week. They had been tied and gagged before being flogged with a belt, electric wires and bamboo sticks. The parents, respectively of Algerian and Tunisian origins confessed but argued that their "culture" gives them the right to lawfully inflict corporal punishment to their children. (*NovoPress*, 23 June 2011)

- Central African Rep.: Students from Notre Afrique School in Bangui interrupted their classes to stage a demonstration in front of the headquarters of the Ndeke Luka Radio Station as they wished to complain about corporal punishment they reportedly endured in school. The students accused their teacher of "hitting their heads with his hand during class" and complained of headache. They wanted the radio station to "condemn the behavior of their teacher." The radio station broadcasted a programme on the incident. The teacher finally agreed to stop "banging" on the heads of his students and the school principal promised to be more vigilant. http://www.hirondelle.org/page-accueil/info-institutionel/radio-ndeke-luka-donne-la-parole-aux-enfants/
- *Nigeria:* While highlighting the negative effects of using coercion in childrearing, this article aims to discourage the use of violence, threat and power in the relationship between parents and children. Persuasion and non-violent methods of discipline are therefore recommended to parents and guardians as the best ways of communicating with children. (*Daily Independent*, 14 May 2011)
- South Africa: On June 25th 2011, a programme on corporal punishment was aired on Maputaland Community Radio station, based in Jozini in Northern KwaZulu Natal. The programme was initiated by a 15 year old student from Northern KwaZulu-Natal who was "tired of being hit on her hand by teachers with a stick or beaten on her buttocks". Parents, students and teachers participated in the radio programme. (http://www.journalism.co.za/rural-radio-gives-children-a-voice.html)

A Gauteng educator, who was caught on camera hitting a student, has been put on precautionary suspension by the Provincial Education Department. The footage showed the educator beating a student with a piece of hosepipe for arriving late at school. It also showed him kicking the student while he was lying on the ground. The Gauteng Education spokesperson reminded all teachers that corporal punishment was outlawed by the Constitution and the South African Schools Act. (*BuaNews (Tshwane)*, 25 July 2011)

Zimbabwe: A 31 year old woman from Msane area in Beitbridge has been sentenced to perform 210 hours of community service for severely assaulting her 12-year-old stepdaughter for failing to prepare supper on time. The woman dragged the girl to her bedroom where she locked the door and used a metal bucket handle to beat her. The girl was seriously injured and taken to hospital. (*The Herald*, 18 June 2011)

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7 Events in the region

Upcoming event

Kampala Conference: "Deprivation of children's liberty as the last resort", Kampala, Uganda, 7/8 November 2011.

ACPF and Defence Children International (DCI) are jointly organising an action oriented Global Conference which aims at contributing to the improvement of laws, policies, systems and procedures in Child justice in Africa. Findings, results, recommendations and actions proposed by the conference will be issued in the form of a Declaration, which will be endorsed by participants. Guidelines for child-friendly justice in Africa will also be developed. For more details about the conference, please log on to www.kampalaconference.info

Feedback from past events

During the **Pan-African Conference on skilful parenting** organised by the Parenting in Africa Network, which took place on 14-15 April 2011 in Tanzania (see our issue no. 4), one of the recommendations made was to impart "skills in non-violent approaches to supporting and disciplining children to caregivers and other categories of parents". For more information about the conference, please contact:

Josephine.gitonga@parentinginafrica.org or visit www.parentinginafrica.org.

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8 Can you help?

Research on corporal punishment of children

Evidence of the nature and prevalence of corporal punishment gathered through national studies is important to keep the issue visible and to assess the effectiveness of implementation of prohibiting laws and of measures to change attitudes and practice. Please let us know of any research studies on corporal punishment that have been carried out recently or that are being planned (email elinor@endcorporalpunishment.org).

We would also appreciate any **information on laws** prohibiting or authorising corporal punishment in the following countries and settings:

Penal system (sentence of the courts) – Equatorial Guinea, Gabon

Penal system (disciplinary measure in penal institutions) – Equatorial Guinea, Eritrea, Gabon, Guinea, Liberia, Libyan Arab Jamahiriya, Sao Tome and Principe

Alternative care settings – Guinea-Bissau, Libyan Arab Jamahiriya.

And if draft legislation is proposed in your country which provides an opportunity to prohibit corporal punishment, or if laws are enacted which achieve this in any setting, please let us know so that we can **keep our information up to date**.

Photographs and illustrations

The Global Initiative is always pleased to receive photographs and other illustrations of campaigns against corporal punishment. Please send them together with caption details and any copyright information to info@endcorporalpunishment.org.

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