

# Ending Corporal Punishment of Children: Africa E-newsletter

Issue 18: March 2015

FRENCH VERSION ALSO AVAILABLE



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

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## In this issue:

As we release our first issue for 2015, we are pleased to announce that Benin has joined the list of states prohibiting all corporal punishment, bringing the number of African states to achieve this fundamental reform to seven (46 globally).

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## 1. Who we are

The Global Initiative to End All Corporal Punishment of Children is a non-governmental 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](http://www.endcorporalpunishment.org)). The Africa project of the Global Initiative aims specifically to increase the number of states in Africa committed to and actively pursuing the prohibition and elimination of all corporal punishment of children, in the family, schools and all other settings. For more information, please contact Sonia Vohito at: [vohito@endcorporalpunishment.org](mailto:vohito@endcorporalpunishment.org).

Through this newsletter we aim to keep civil society organisations and other stakeholders informed and encourage networking around the issue of corporal

punishment of children. We encourage readers to forward the newsletter to whoever might be interested and we encourage organisations **to sign up to the aims of the Global Initiative** at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org).

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## 2. Recent developments in Africa

### Prohibition achieved

*Benin:* Benin's new Children's Code 2015, passed by the National Assembly on 26 January, prohibits all corporal punishment of children in all settings, including the home. Article 39 states that discipline by parents and others must respect the child's human dignity, and article 130 confirms that discipline should not involve corporal punishment (unofficial translation): "The State will ensure that discipline within the family, at school and in other public or private institutions does not involve corporal punishment or any other form of cruel or degrading treatment." The prohibition is confirmed in relation to schools in article 119 and for children in care in article 220.

### Positive moves

*Uganda:* In February 2015, the Children (Amendment) Bill was tabled in Parliament by Gender, Labour and Social Affairs' minister Mary Karoro Okurut. The Bill would prohibit corporal punishment of children in all settings, including the home.

*Zimbabwe:* In a High Court review judgment in December 2014, concerning the case of a 15-year old boy sentenced to judicial caning, Justice Muremba declared that corporal punishment as a criminal sanction for juveniles is no longer lawful because the new Constitution 2013 places no limitation on protection from inhuman treatment and, unlike the previous Constitution, makes no explicit provision for "moderate corporal punishment". Justice Muremba also suggested that corporal punishment by parents, guardians and persons *in loco parentis* might now be unconstitutional. The declaration of unconstitutionality must be confirmed by the Constitutional Court in order to have legal force.

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### 3. Campaigns and other moves towards prohibition

#### Global campaigns

*UNICEF*: On the eve of the World Economic Forum in Davos, January 2015, UNICEF outlined an ambitious '[Agenda for Every Child](#)' that it says must drive the post-2015 sustainable development goals. UNICEF called on the global community to make children a priority in the new Sustainable Development Goals, a roadmap for human progress over the next 15 years that will drive investment and action worldwide. The 'Agenda for Every Child' sets out seven priorities, which must be addressed in the new development goals. One of the priorities is to "end violence against children". In this regard, the organisation highlighted that almost 1 billion children under 15 suffer regular physical punishment, and a quarter of all girls aged 15–19 experience physical violence. UNICEF argues that because violence against children is a universal problem, investing in protecting children from violence, abuse, neglect, and exploitation must be a global priority.

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### 4. Human rights monitoring

The [African Committee of Experts on the Rights and Welfare of the Child](#) will be meeting at its 25<sup>th</sup> ordinary session from 20<sup>th</sup> to 24<sup>th</sup> April 2015, in Addis Ababa, Ethiopia. During the session, the African Committee will consider the state party reports of Madagascar, Namibia, Rwanda and Zimbabwe (to be confirmed).

The [African Commission on Human and People's Rights](#) will be meeting at its 56<sup>th</sup> ordinary session from 21<sup>st</sup> April to 7<sup>th</sup> May 2015. During the session, the Commission will consider the state party reports of Djibouti, Ethiopia, Niger, Nigeria, Malawi, Senegal, Sierra Leone and Uganda.

#### Key decisions and recommendations, etc

Following its 24<sup>th</sup> session in December 2014, the **African Committee of Experts on the Rights and Welfare of the Child** recommended to states that corporal punishment be prohibited in all settings. To **Guinea**, the Committee recommended "that the State Party bans corporal punishment in all settings; undertake measures to effectively punish the authors of violence against children; introduce nonviolent

disciplining mechanisms in schools and sensitize the society about positive parenting”. Similar recommendations were made to **Mozambique, Sudan and Ethiopia**. To **Kenya**, where corporal punishment is unlawful in all settings under the Constitution 2010, the Committee stated: “The Committee notes with appreciation the prohibition of corporal punishment under the Constitution, but recommends that it be implemented. The Committee encouraged the State Party to raise awareness and give training on a continuous basis on alternative disciplinary measures.”

In January 2015 the **Committee on the Rights of the Child** held its 68<sup>th</sup> session, reviewing the prohibition and elimination of corporal punishment in relation to all the states being examined under the Convention on the Rights of the Child. To **Gambia, Mauritius and UR Tanzania** the Committee recommended law reform to prohibit corporal punishment in all settings, including the home. To Gambia and Tanzania the Committee also recommended the repeal of legal defences for the use of corporal punishment (“reasonable chastisement” in Gambia, “justifiable correction” in Tanzania).

### **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. We are particularly trying to identify “key” NGOs and human rights institutions in each state with whom we can work more closely in briefing the treaty bodies: if you/your organisation is interested please contact [vohito@endcorporalpunishment.org](mailto:vohito@endcorporalpunishment.org).

The following deadlines for briefing the treaty bodies are based on information available at the time of writing: please note that information is subject to change at short notice. We are always willing to advise NGOs and human rights institutions on the practical details of how to submit briefings (email [vohito@endcorporalpunishment.org](mailto:vohito@endcorporalpunishment.org)).

#### *Committee Against Torture:*

(1) Session 54 (20 Apr – 15 May 2015). The Committee will examine Congo: the deadline for submitting briefings is 6 April 2015.

#### *Committee on Economic, Social and Cultural Rights:*

(1) Session 55 (1-19 Jun 2015). The Committee will examine Uganda: the deadline for submitting briefings is 15 April 2015 (to be confirmed).

(2) Session 56 (21 Sep – 9 Oct 2015). The Committee will examine Burundi, Morocco and Sudan: the deadline for submitting briefings is 1 August 2015 (to be confirmed).

*Committee on the Rights of Persons with Disabilities:*

(1) Session 14 (17 Aug – 4 Sep 2015). The Committee will examine Gabon, Kenya and Mauritius: the deadline for briefing is still to be announced.

*Human Rights Committee:*

(1) Session 115 (19 Oct – 6 Nov 2015). The Committee will examine Benin: briefings should be submitted by 28 September 2015 (to be confirmed).

## **The Universal Periodic Review**

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

The 21<sup>st</sup> session of the Universal Periodic Review was held in January 2015. Recommendations to prohibit all corporal punishment of children were made to Guinea-Bissau; the government's response is due by June 2015. The deadline for submitting briefings for the 24th session (Jan/Feb 2016) is provisionally 22 June 2015: Mozambique, Namibia, Niger, Seychelles, Sierra Leone and Somali.

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## **5. Resources: Research/Reports/Publications**

**\*NEW PUBLICATIONS FROM GLOBAL INITIATIVE TO SUPPORT CAMPAIGNING\***

**New report on corporal punishment of juvenile justice**

The abolition of corporal punishment in penal systems across the world is at the forefront of progress towards universal prohibition of all violent punishment of children: more states have prohibited corporal punishment as a sentence of the courts for juvenile offenders than have prohibited this form of violence against children in any other setting. Published by the Global Initiative and Save the Children for the 2015 World Congress on Juvenile Justice, held in Geneva, January 2015, this report however exposes the shocking level of state sanctioned flogging, whipping and caning of children under secular, religious and/or customary systems of justice. For example, the report refers to recent research documenting torture and ill-treatment of children in detention in Nigeria (2014), the subjection of girls to judicial flogging and other humiliating punishments in Sudan (2014), and the caning of children in detention in Uganda (2010). It also identifies the immediate opportunities for abolition of this inhuman and degrading treatment in a majority of the states concerned. The full report is available [here](#). For hard copies and further information, contact [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org).

### **Domestic violence and corporal punishment**

This new leaflet “[Prohibiting violent punishment of girls and boys – a key element in ending family violence](#)” aims to encourage all those working with and for the rights of women and girls to see prohibition of corporal punishment as a fundamental element in addressing gender-based violence and to advocate strongly for this necessary law reform. The leaflet shows that in at least nine African states, law reform in relation to domestic violence is under way, providing key opportunities to prohibit corporal punishment in childrearing: Burundi, Chad, Equatorial Guinea, Lesotho, Liberia, Morocco, Nigeria, Seychelles and Swaziland. For hard copies and further information, contact [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org).

### **Global Progress and Delay leaflet**

The March 2015 edition of the [Global Progress and Delay leaflet](#) (in English) is now available. It aims to support advocacy for law reform to prohibit corporal punishment, graphically providing key information about current progress towards prohibition, identifying states which are making progress and states where there appears to be little or no progress, outcomes from the UPR and other useful information. The leaflet lists the states that have made a commitment to prohibiting all corporal punishment by clearly accepting UPR recommendations to do so, including 12 African states (Algeria, Benin, Burkina Faso, Comoros, Mauritius,

Morocco, Niger, Sao Tome and Principe, South Africa, Uganda, Zambia and Zimbabwe). It also identifies African states that have rejected recommendations to prohibit corporal punishment (Botswana, Cameroon, Chad, Eritrea, Ethiopia, Sudan, Swaziland and UR Tanzania).

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## 6. Media watch

*Algeria:* A couple was arrested and jailed for inflicting “severe punishment” on their four children, in the district of Bejaia. The man and his new wife were prosecuted following an investigation of the juvenile brigade for child abuse. As part of the investigation, the medical experts revealed that the children were subject to “indelible physical injuries”. Both parents reportedly justified the use of violence through the need for “proper upbringing”. (*Ouest Tribune*, 12 March 2015)

*Zimbabwe:* A Zimbabwean headmistress has been charged with murder after a pupil that she had allegedly caned for indiscipline died. (*The Telegraph*, 6 February 2015)

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## 7. Can you help?

### Promoting positive, non-violent discipline

We are collecting resources for the promotion of positive discipline in homes, schools and other settings in Africa for listing on the website. Contact [triona@endcorporalpunishment.org](mailto:triona@endcorporalpunishment.org) to suggest resources for inclusion. Resources which promote positive discipline as part of a campaign for law reform or which are clearly linked to prohibition that has already been achieved are especially welcome.

### 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 send any recent research findings relevant to corporal punishment of children in Africa to [vohito@endcorporalpunishment.org](mailto:vohito@endcorporalpunishment.org).

**And ...**

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

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

If you can help with any of the above, please email [vohito@endcorporalpunishment.org](mailto:vohito@endcorporalpunishment.org).

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We hope you find this newsletter informative and useful and welcome your comments: please email [vohito@endcorporalpunishment.org](mailto:vohito@endcorporalpunishment.org). We are sending the newsletter to supporters of the aims of the Global Initiative and others who we think will be interested. If you do not want to receive future editions, please tell us at [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org). If your organisation is not listed as supporting the aims of the Initiative, please consider signing up (online at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org) or email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org))

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