



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

Progress towards prohibiting all corporal punishment in Africa

Prepared by the Global Initiative to End All Corporal Punishment of Children
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The following table summarises the legal status of corporal punishment of children – and progress towards achieving prohibition – in African states in all settings, the home, schools, penal systems (as a sentence for crime and as a disciplinary measure in penal institutions) and alternative care settings. As at February 2010, no African state has achieved full prohibition, where all corporal punishment of children is unlawful, including by parents within the family home, although this has been achieved by the interim government of Southern Sudan. Corporal punishment is prohibited in schools in 24 (out of 54) states, as a sentence for crime in 38 states, as a disciplinary measure in penal institutions in 20 and in alternative care settings in four.

But the following table also indicates the work still to be done to ensure children’s rights to equality under the law and to legal protection from all forms of corporal punishment are fully met. Prohibition is still to be achieved in the home in all states, in schools in 30 states, as a sentence of the courts in at least 13 states, as a disciplinary measure in penal institutions in at least 27 states, and in all alternative care settings in at least 48 states.

The Global Initiative offers technical support and advice on all aspects of law reform to achieve prohibition and publishes a number of useful resources free of charge – please see www.endcorporalpunishment.org or email info@endcorporalpunishment.org.

Summary of progress towards prohibition of all corporal punishment of children					
	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Prohibited	- ¹	24	38	20	4
Not prohibited ²	54	30	13	27	48
Legality unknown	-	-	3	7	2

Please note: The following information has been compiled from many sources, including reports to and by the United Nations human rights treaty bodies. Information in square brackets is unconfirmed. We are very grateful to government officials, UNICEF and other UN agencies, NGOs and human rights institutions, and many individuals who have helped to provide and check information. Please let us know if you believe any of the information to be incorrect: info@endcorporalpunishment.org.

¹ Southern Sudan is not counted here as it is not an autonomous state

² This includes SOME entries. A state is only counted as YES when the prohibition applies to all types of setting within each category, e.g. for schools including public, private, etc.

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Algeria	NO	YES	YES	[NO]	NO
Angola	NO	YES	YES ³	NO	NO
Benin	NO	NO ⁴	YES	[YES]	NO
Botswana	NO	NO	NO ⁵	NO	NO
Burkina Faso	NO	YES	YES	YES ⁶	SOME ⁷
Burundi	NO	NO	YES	NO	NO
Cameroon	NO	YES	YES	[YES]	NO
Cape Verde	NO	NO ⁸	YES	NO	[YES]
Central African Rep.	NO	NO	???	???	NO
Chad	NO	YES	YES	NO	NO
Comoros	NO	NO	[YES] ⁹	NO	NO
Congo, Republic of	NO	[YES]	YES	NO	NO
Cote d'Ivoire	NO	NO ¹⁰	YES	YES ¹¹	NO
Djibouti	NO	[YES]	[YES]	NO	NO
DR Congo	NO	YES	YES	NO	NO
Egypt	NO	YES	YES	YES ¹²	NO
Equatorial Guinea	NO	NO	???	???	NO
Eritrea	NO	NO ¹³	NO ¹⁴	???	NO
Ethiopia	NO	YES	YES	YES	SOME ¹⁵
Gabon	NO	YES	???	???	NO
Gambia	NO	NO	YES	NO	NO
Ghana	NO	NO ¹⁶	YES	NO	NO
Guinea	NO	YES	[NO]	???	NO
Guinea-Bissau	NO	YES	YES	[YES]	???
Kenya	NO ¹⁷	YES	YES	YES ¹⁸	NO ¹⁹
Lesotho	NO	NO ²⁰	NO ²¹	NO	NO
Liberia	NO	NO	YES	NO	NO
Libyan Arab Jamahiriya	NO	YES	NO	???	???
Madagascar	NO	NO	YES	NO	NO
Malawi	NO	YES ²²	YES ²³	YES ²⁴	SOME ²⁵

³ Prohibited for persons under 16 years; prohibition for 16 and 17 year olds unconfirmed

⁴ Government circular advises against the use of corporal punishment in formal education, but no prohibition in law

⁵ Children's Bill (2008) would make judicial corporal punishment of children unlawful but this would not apply to customary courts

⁶ But possibly no explicit prohibition

⁷ Prohibited in institutions; not prohibited in foster care

⁸ Ministry of Education guidelines advise against the use of corporal punishment, but no prohibition in law

⁹ Possibly lawful under Shari'a law and in traditional justice systems

¹⁰ Ministerial circular states that corporal punishment should not be used, but no prohibition in law

¹¹ But no explicit prohibition

¹² But possibly permitted in social welfare institutions

¹³ Policy states that corporal punishment should not be used, but no prohibition in law

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

¹⁵ Prohibited in institutions by Constitution, but "reasonable chastisement" defence available

¹⁶ Ministerial directive advises against the use of corporal punishment (information unconfirmed), but no prohibition in law

¹⁷ Draft legislation removing the right "to administer reasonable punishment" has been submitted to the Attorney General (April 2009)

¹⁸ But some legislation still to be repealed (May 2009); see also previous note

¹⁹ See note 17

²⁰ Prohibited in Education Bill (2009)

²¹ Prohibited in the Child Protection and Welfare Bill, under discussion July 2008

²² Considered unlawful under the Constitution, but no explicit prohibition; Government has recommended explicit prohibition in revised Education Act

²³ Prohibited in Constitution, but permitted in other legislation; as at January 2009, the Penal Code Amendment Bill and the Child (Care, Protection and Justice) Bill, which would prohibit corporal punishment, under discussion

²⁴ See previous note

²⁵ Considered unlawful in state institutions under the Constitution but no explicit prohibition

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Mali	NO ²⁶	YES	YES	YES ²⁷	NO
Mauritania	NO	NO ²⁸	NO	NO	NO
Mauritius	NO	YES	YES	NO	NO
Morocco	NO	NO ²⁹	YES	YES	NO ³⁰
Mozambique	NO	NO ³¹	YES	YES	NO
Namibia	NO	YES ³²	YES ³³	YES ³⁴	SOME ³⁵
Niger	NO	NO	YES	NO	NO
Nigeria	NO	NO	SOME ³⁶	[NO]	NO
Rwanda	NO	NO ³⁷	YES	NO	NO
Sao Tome & Principe	NO	[YES]	SOME ³⁸	???	NO
Senegal	NO	YES	YES	YES ³⁹	NO
Seychelles	NO	NO ⁴⁰	YES	[YES]	[YES]
Sierra Leone	NO ⁴¹	NO ⁴²	YES	NO	NO
Somalia	NO	NO	NO ⁴³	NO	NO
South Africa ⁴⁴	NO	YES	YES	[NO] ⁴⁵	NO ⁴⁶
Sudan (Northern)	NO	NO ⁴⁷	NO ⁴⁸	NO	NO
Sudan (Southern)	YES ⁴⁹	YES	YES	YES	YES
Swaziland	NO	NO ⁵⁰	NO ⁵¹	NO ⁵²	NO ⁵³
Togo	NO ⁵⁴	YES	YES	YES	YES
Tunisia	NO	NO ⁵⁵	YES	YES	NO
Uganda	NO ⁵⁶	NO ⁵⁷	YES	YES	NO ⁵⁸

²⁶ Draft Family Code (2009) removes the right of correction but does not explicitly prohibit corporal punishment

²⁷ But no explicit prohibition

²⁸ Ministerial Order states that corporal punishment should not be used, but no prohibition in legislation

²⁹ Ministerial direction advises against the use of corporal punishment, but no prohibition in law

³⁰ No prohibition in foster care; possibly no prohibition in other alternative care settings

³¹ Government directive advises against the use of corporal punishment, but no prohibition in law

³² Unlawful under 1991 Supreme Court ruling but legal defence available

³³ Unlawful under 1991 Supreme Court ruling but as at February 2010 some legislation yet to be repealed

³⁴ See previous note

³⁵ Unlawful in state institutions under 1991 Supreme Court ruling but some legislation yet to be repealed; Child Care and Protection Bill 2009 would prohibit in all settings

³⁶ Prohibited as sentence in 2003 Child Rights Act, but this not enacted in all states and other legislation not amended; lawful as a sentence in some areas under Shari'a law

³⁷ Legislation in preparation (2005)

³⁸ Prohibited for persons under the age of 17 years, but possibly lawful for those aged 17 years

³⁹ But no explicit prohibition

⁴⁰ Policy states that corporal punishment should not be used, but no prohibition in law

⁴¹ Sierra Leone Truth and Reconciliation Commission recommended prohibition in the home and schools (2004), but 2007 Child Rights Act reaffirms right to correct

⁴² See previous note

⁴³ Ordered by Islamic courts

⁴⁴ Efforts to prohibit corporal punishment by parents through the legislature failed in 2007; a national advocacy campaign continues to promote law reform

⁴⁵ Corporal punishment was prohibited in industry and reform schools in regulations under the 1983 Child Care Act but these were possibly repealed when the 2005 Children's Act came into force

⁴⁶ Corporal punishment was prohibited in foster care and child care facilities in regulations under the 1983 Child Care Act but these were repealed when the 2005 Children's Act came into force; draft Regulations under the new Children's Act include explicit prohibition in foster care and child and youth care centres (2008)

⁴⁷ Prohibited in draft Child Act under discussion (May 2009)

⁴⁸ Possibly prohibited in draft Child Act under discussion (May 2009)

⁴⁹ Prohibited in 2005 Interim Constitution and 2008 Child Act

⁵⁰ Proposals have been made to prohibit in draft legislation (May 2008)

⁵¹ See previous note

⁵² See note 50

⁵³ See note 50

⁵⁴ Possibly prohibited in Children's Code 2007

⁵⁵ Ministerial circular states that corporal punishment should not be used, but no prohibition in law

⁵⁶ Recommendations have been made to include prohibition in all settings in draft Child Law (May 2008)

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
United Rep. of Tanzania	NO ⁵⁹	NO ⁶⁰	SOME ⁶¹	NO ⁶²	NO ⁶³
Western Sahara	NO	[NO]	[YES]	[YES]	[NO]
Zambia	NO	YES ⁶⁴	YES ⁶⁵	YES ⁶⁶	NO ⁶⁷
Zimbabwe	NO	NO	NO	NO	NO

⁵⁷ Ministerial circular advises against the use of corporal punishment in state schools, but no prohibition in law; possibly prohibited in Education Bill (May 2008); see previous note

⁵⁸ See note 56

⁵⁹ Draft legislation which would prohibit under discussion in Zanzibar (January 2010)

⁶⁰ See previous note

⁶¹ Prohibited in Zanzibar, but lawful in mainland Tanzania

⁶² See note 59

⁶³ See note 59

⁶⁴ Provisions allowing corporal punishment repealed, but no explicit prohibition and legal defence available; prohibited in the draft Constitution (May 2008)

⁶⁵ Ruled unconstitutional by Supreme Court in 1999, but as at February 2010 some legislation not amended

⁶⁶ See previous note; prohibited in draft Constitution (May 2008)

⁶⁷ Prohibited in institutions and possibly other care settings in draft Constitution (May 2008)