



Global Initiative to
End All Corporal Punishment
of Children

Progress towards prohibiting all corporal punishment in East and Southern Africa

Prepared by the Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org), July 2011

Note: The above 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.

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Angola	NO	NO	YES ¹	NO	NO
Botswana	NO	NO	NO	NO	NO
Burundi	NO	NO	YES	NO	NO
Comoros	NO	NO	[YES] ²	NO	NO
Eritrea	NO	NO ³	NO ⁴	???	NO
Ethiopia	NO	YES	YES	YES	SOME ⁵
Kenya	YES ⁶	YES ⁷	YES	YES ⁸	YES
Lesotho	NO	NO ⁹	NO ¹⁰	NO	NO
Madagascar	NO	[YES]	YES	NO	NO
Malawi	NO	YES	YES	YES	SOME ¹¹

¹ Prohibited for persons under 16 years; prohibition for 16 and 17 year olds unconfirmed

² Possibly lawful under Shari'a law and in traditional justice systems

³ Policy states corporal punishment should not be used, but no prohibition in law

⁴ Lawful under Transitional Penal Code but prohibited in Draft Penal Code

⁵ Prohibited in institutions by Constitution, but "reasonable chastisement" defence available

⁶ Prohibited in 2010 Constitution; some legislation still to be formally repealed

⁷ See previous note

⁸ See note 6

⁹ Education Bill would prohibit (2009)

¹⁰ Child Protection and Welfare Bill would prohibit (2010)

¹¹ Prohibited in state-run institutions and day care settings, lawful in foster care

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Mauritius	NO	YES	YES	NO	NO
Mozambique	NO	NO ¹²	YES	YES	NO
Namibia	NO	YES	YES ¹³	YES ¹⁴	SOME ¹⁵
Rwanda	NO ¹⁶	NO ¹⁷	YES	NO ¹⁸	NO ¹⁹
Seychelles	NO	NO ²⁰	YES	[NO]	[NO]
Somalia	NO	SOME ²¹	SOME ²²	SOME ²³	SOME ²⁴
South Africa ²⁵	NO	YES	YES	YES	YES
Swaziland	NO	NO	NO	NO	NO
Uganda	NO	NO ²⁶	YES	YES	NO
United Republic of Tanzania	NO	NO	SOME ²⁷	NO	NO
Zambia	NO	NO ²⁸	YES ²⁹	YES ³⁰	NO
Zimbabwe	NO	NO	NO	NO	NO

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¹² Government directive advises against corporal punishment, but no prohibition in law

¹³ Unlawful under 1991 Supreme Court ruling but as at March 2011 some legislation yet to be repealed

¹⁴ See previous note; Child Care and Protection Bill would prohibit (2011)

¹⁵ Unlawful in state institutions under 1991 Supreme Court ruling but some legislation yet to be repealed; Child Care and Protection Bill would prohibit (2011)

¹⁶ Draft Child Protection Act would possibly prohibit (2010)

¹⁷ Draft Child Protection Act would prohibit (2010)

¹⁸ See previous note

¹⁹ See note 17

²⁰ Policy states corporal punishment should not be used, but no prohibition in law

²¹ Possibly prohibited in Somaliland

²² Prohibited in Somaliland

²³ Prohibited in Somaliland

²⁴ Possibly prohibited in Somaliland

²⁵ Efforts to prohibit corporal punishment by parents failed in 2007; national campaign continues to promote law reform

²⁶ Ministerial circular advises against corporal punishment, but no prohibition in law; draft legislation which would prohibit under discussion (2011)

²⁷ Prohibited in Zanzibar; lawful in mainland Tanzania

²⁸ Draft legislation which would prohibit under discussion (2011)

²⁹ Ruled unconstitutional by Supreme Court in 1999, but some legislation not amended

³⁰ See previous note