



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

ETHIOPIA – COUNTRY REPORT

Child population: 41,831,000 (UNICEF, 2009)

Summary of necessary legal reform to achieve full prohibition

Settings where explicit prohibition is necessary

home, alternative care settings

Is there a legal defence for corporal punishment which must be repealed?

Yes – Article 576 of the Criminal Code of Ethiopia recognises the power of parents and others with parental responsibilities to take “a disciplinary measure that does not contravene the law, for the purpose of proper upbringing” and article 258 of the Revised Family Code states that “the guardian may take the necessary disciplinary measures for the purpose of ensuring the upbringing of the minor”. These provisions need to be repealed and the law should explicitly prohibit all corporal punishment and other cruel or degrading forms of punishment, in the home and all other settings where adults exercise parental authority over children.

Other legislative measures necessary

Alternative care settings – Explicit prohibition is necessary in relation to all alternative care settings, including private as well as state organised, and non-institutional as well as institutional forms of care.

DETAILED COUNTRY REPORT

Legality of corporal punishment

Home

Corporal punishment is lawful in the home. Article 576 of the Criminal Code (2005) punishes maltreatment of children but states in paragraph 3: “The taking, by parents or other persons having similar responsibilities, of a disciplinary measure that does not contravene the law, for the purposes of proper upbringing, is not subject to this provision.” Provisions in the Civil Code (1960) allowing for “light bodily punishment” as an educative measure within the family were repealed but the Revised Family Code (2000) states that “the guardian may take the necessary disciplinary measures for the purpose of ensuring the upbringing of the minor” (article 258). Provisions against violence and abuse in the Constitution (1995), the Criminal Code and the Revised Family Code are not interpreted as prohibiting corporal punishment in childrearing.

Schools

Corporal punishment is explicitly prohibited in schools by article 36 of the Constitution, which states that “every child has the right to be free of corporal punishment or cruel and inhuman treatment in schools and other institutions responsible for the care of children”. It is not among permitted disciplinary measures in the school administration regulation issued by the Ministry of Education in 1998.

Penal system

Corporal punishment is unlawful as a **sentence** for crime under the Criminal Code.

Corporal punishment is unlawful as a **disciplinary measure** in penal institutions. The Constitution states that all persons in detention have the right to “treatments respecting their dignity” (article 21) and article 36 (see above) also applies.

Alternative care

Corporal punishment is prohibited in child care institutions by article 36 of the Constitution (see above), but we have yet to confirm that this applies to private as well as state provided care. There appears to be no prohibition in relation to non-institutional child care, where the provisions in the Criminal Code (article 576) and the Revised Family Code (article 25) allowing for disciplinary measures by persons with parental authority would presumably apply.

Prevalence research

A 2010 African Child Policy Forum report on violence against children with disabilities in Cameroon, Ethiopia, Senegal, Uganda and Zambia documented a very high level of violence. Nearly 1,000 18-24 year olds took part in the study across the five countries, reporting on their experiences as children. In Ethiopia, 68% of the sample had experienced at least one type of physical violence during childhood. Over 50% had been hit, punched, kicked or beaten and over 25% denied food. The most common perpetrators of physical violence were mothers (12.5%), fathers (12.1%) and other relatives (15%). Across the five countries, 23% said they had experienced physical violence which was “mostly discipline, reasonable and justified” and 27% said they had experienced physical violence which was “mostly discipline but not reasonable or justified”; 26% said they had experienced emotional violence which was “discipline, but not reasonable or justified”, 22% emotional violence that was “disciplinary,

reasonable and justified”. Across all five countries, more than half (54%) of those who had been physically beaten said they had suffered broken bones or teeth, bleeding or bruising; 2% had been permanently disabled; 21% required medical attention; 13% had to miss school or work, and 20% had needed rest at home. For all five countries, the majority of respondents with physical, visual and intellectual disabilities experienced physical violence more than 10 times. (The African Child Policy Forum (2010), *Violence Against Children With Disabilities in Africa: Field Studies from Cameroon, Ethiopia, Senegal, Uganda and Zambia*, Addis Ababa: The African Child Policy Forum)

A 2010 study of 87 child care institutions in Ethiopia involved visits, document reviews, interviews and focus groups with institution staff, parents of children living in institutions and former residents. The study found that children in institutions were frequently subjected to physical, sexual, and psychological abuse and exploitation. In focus group discussions, foster care was also discussed. Participants stated that children in foster care, too, often experienced violence at the hands of their caregivers, and that foster children were treated as “second-class citizens”. The report does not specify whether the violence was inflicted in the context of “discipline”, though this is likely. (FHI (2010), *Improving Care Options for Children in Ethiopia through Understanding Institutional Child Care and Factors Driving Institutionalization*)

In a study in 116 schools which looked at violence against girls, 34% of students but only 25% of teachers stated that girls experience corporal punishment in schools. (Save the Children Denmark (2008), *A study on violence against girls in primary schools and its impacts on girls’ education in Ethiopia*, Addis Ababa)

A study on children’s views of violence against them found that at home, nearly three quarters of children (74%) had been hit with a stick as a punishment; 73% had been hit on the head, 70% slapped, 69% pinched and 64% whipped with a belt. At school, 78% had been hit on the head as a punishment, 74% pinched, 72% slapped and 61% hit with a stick. Nearly three-quarters (74%) of the children said they did not learn anything from physical and psychological punishment, and that it would not stop them doing the same thing again. Almost all the children believed that advising children was the best means of disciplining them. Children emphasised the negative physical and psychological effects that violence, including physical punishment, has on them, and spoke of their emotional reactions which included anger, fear, hatred, depression, vengeance, confusion and helplessness. Nearly half (47%) of the children thought that the problem of physical and psychological violence against children was decreasing. They emphasised the importance of legal reform and awareness-raising activities in ending violence against children. (African Child Policy Forum & Save the Children Sweden (2006), *Violence Against Children in Ethiopia: In Their Words*; see also African Child Policy Forum & Save the Children Sweden (2006), *Sticks, Stones and Brutal Words: The Violence Against Children in Ethiopia*, and African Child Policy Forum & Save the Children Sweden, 2006, *Ending Physical and Humiliating Punishment against Children: Ethiopia*)

A survey of 485 young women in Ethiopia aged 18-24 concerning their childhood experiences of violence, undertaken by the Africa Child Policy Forum and published in 2006, found that 84% had suffered one or more types of violence. Beating with an object was found to be the most prevalent form of physical violence (71.1%). Prevalence figures for other forms of physical abuse were 59.5% for punching, 43.3% kicking, 28.6% being forced to carry out hard work, 12.4% being choked/burned/stabbed, 10.9% having spicy/bitter food put into mouth, 9.7% being locked up, and 8.3% being denied food. Girls were found to be most vulnerable to beating with an object when aged 10-13 years (59.4%) and to being hit/punched when aged 14-17 years (58.4%). Experiencing the violence more than ten times was more likely in the case of beating than other types of physical violence except for hard work. Most beating with an object and hitting/punching was carried out by mothers (45.2% and 27.2% respectively), followed by fathers (39.1% and 21.5%) and brothers (23.9% and 24%). In 55.5% of cases, the hitting/punching resulted in “bruises or scratches, broken bones or teeth, or bleeding”; the corresponding figure for beating with an object was 32.2%. (Stavropoulos, J. (2006), *Violence Against Girls in Africa: A Retrospective Survey in Ethiopia, Kenya and Uganda*, Addis Ababa, The African Child Policy Forum)

In a study of over 1,800 children and nearly 500 adults in five regions, only 17 children (1.4%) stated they had never experienced corporal punishment in any setting. Of the 1,223 children who completed a questionnaire, 74.1% reported having been hit with a stick in the home, 73.3% had been hit on the head, 70.3% slapped, 69.1% pinched, 63.7% whipped with a belt, and 53.1% forced to kneel down. With regard to corporal punishment in schools, 72% reported having been hit with a stick, 40.9% with a plastic tube or electric wire, 38.7% whipped with a belt and 77.8% hit on the head. High levels of psychological punishment were also reported. (Save the Children Sweden & African Child Policy Forum (2005), *Ending Physical and Humiliating Punishment against Children: Ethiopia*, Addis Ababa: Save the Children Sweden in Eastern and Central Africa)

A study reported in 2002 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% three years ago 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). (Radda Barnen (2002), *Spare the Rod – Raise a Healthy Child*, Addis Ababa)

According to statistics from UNICEF relating to the period 2001-2007, of girls and women aged 15-49, 81% think that a husband is justified in hitting or beating his wife under certain circumstances. (UNICEF (2009), *Progress for Children: A report card on child protection*, NY: UNICEF)

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(1 November 2006, CRC/C/ETH/CO/3, Concluding observations on third report, paras. 33 and 34)

“While taking note of the Constitutional provision prohibiting corporal punishment in schools, the Committee remains concerned that ‘reasonable chastisement’ is permitted according to the Penal Code and that corporal punishment is still widely practised in the home, the schools and in other settings.

“The Committee recommends that the State party explicitly prohibit corporal punishment within the home and enforce the prohibition in all settings, including in the family, the schools and alternative childcare. The Committee also recommends that the State party conduct awareness-raising campaigns to ensure that alternative forms of discipline are used, in a manner consistent with the child’s human dignity and in conformity with the Convention, especially article 28, paragraph 2, while taking due account of general comment No. 8 of the Committee on the Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment (2006). The Committee also recommends the State party to seek technical assistance from UNICEF in order to implement relevant programmes in the school environment.”

Committee on the Rights of the Child

(21 February 2001, CRC/C/15/Add.144, Concluding observations on second report, paras. 6, 38 and 39)

“The Committee notes the interim prohibition by the Ministry of Education of the use of corporal punishment by schools....

“While noting the Ministry of Education’s interim measures prohibiting the use of corporal punishment in schools, the Committee remains concerned that, in practice, corporal punishment remains common in schools and in the context of the family.

“In the light of article 28.2 of the Convention, the Committee recommends that the State party permanently prohibit all forms of corporal punishment, including the context of the school and the family, inter alia, through the enforcement of appropriate legislation, through awareness raising activities for parents, teachers and other relevant groups and through the training of teachers in alternative disciplinary sanctions which are not harmful to children. The Committee recommends that, for this purpose, the State party consider taking advantage of the current drafting of a new penal code. The Committee recommends, in addition, that children be provided with mechanisms through which they can report and complain of corporal punishment practices.”

Committee on the Rights of the Child

(24 January 1997, CRC/C/15/Add.67, Concluding observations on initial report, paras. 13 and 27)

“The Committee notes with concern the non-compatibility of certain provisions of domestic law with the principles and rights enshrined in the Convention, such as the provision for a different minimum age of marriage between girls (15 years of age) and boys (18 years of age), the provision in the Penal Code for the possibility to sentence children to corporal punishment, the provision in the Civil Code for ‘light bodily punishment’ as an educative measure within the family and the limitation of the right to counsel when the child may be represented by his or her parents or legal guardian during legal proceedings.

“The Committee recommends that the Government pursue the process of bringing existing legislation into line with the provisions of the Convention and that the best interests of the child be fully taken into account in the drafting of new legislation. In this regard, the Committee particularly recommends that the provisions for the minimum age of marriage for girls at 15 years, the sentencing of children to corporal punishment, the ‘light bodily punishment’ as an educational measure within the family, and the limitation of the right to legal counsel of children be abolished as a matter of priority.”

Committee Against Torture

(20 January 2011, CAT/C/ETH/CO/1, Concluding observations on initial report, para. 28)

“The Committee notes with concern that, while corporal punishment is prohibited in schools, childcare institutions and as a penal or disciplinary sanction in the penal system, it is not prohibited as a disciplinary measure in the home or alternative care settings for purposes of “proper upbringing”, under article 576 of the revised Criminal Code (2005) and article 258 of the revised Family Code (2000) (arts. 2, 10 and 16).

The State party should consider amending its revised Criminal Code and Family Code, with a view to prohibiting corporal punishment in child-rearing in the home and alternative care settings and raise public awareness on positive, participatory and non-violent forms of discipline.”

Universal Periodic Review

Ethiopia was examined in the first cycle of the Universal Periodic Review in 2009. The Government rejected the recommendation concerning corporal punishment of children, stating that the Constitution already guarantees a child’s freedom from such punishment (A/HRC/13/17, Report of the Working Group, para. 99.14; A/HRC/13/L.10 Advance Unedited Version, Draft report of the Human Rights Council on its thirteenth Session, para. 743). Examination in the second cycle is scheduled for 2014.

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