



Global Initiative to
End All Corporal Punishment
of Children

SIERRA LEONE – COUNTRY REPORT

Summary of necessary legal reform to achieve full prohibition

Settings where explicit prohibition is necessary

home, schools, penal institutions, alternative care settings

Is there a legal defence for corporal punishment which must be repealed?

Yes – Article 3 of the Prevention of Cruelty to Children Act confirms the right of parents, teachers and others to “administer punishment” to a child, and article 33(2) of the Child Rights Act confirms the concept of “reasonable” and “justifiable” correction. The near universal acceptance of a certain degree of violence in childrearing necessitates clarity in law that no degree of corporal punishment is acceptable or lawful. These articles should be repealed and explicit prohibition of all corporal punishment should be enacted in relation to parents and all those with parental authority.

Other legislative measures necessary

Schools – All legal provisions authorising the use of corporal punishment in schools, including article 3 of the Prevention of Cruelty to Children Act and article 33(2) of the Child Rights Act, should be repealed and explicit prohibition enacted in relation to all education settings, public and private.

Penal institutions – Explicit prohibition should be enacted of corporal punishment as a disciplinary measure in all institutions accommodating children in conflict with the law, in addition to repeal of all legal defence for its use.

Alternative care settings – Explicit prohibition should be enacted in legislation applicable to all alternative care settings, including public and private day care, residential institutions, foster care, etc, in addition to repeal of all legal defences for the use of corporal punishment and all legislation regulating the use of corporal punishment in these settings.

DETAILED COUNTRY REPORT

Legality of corporal punishment

Home

Corporal punishment is lawful in the home. Article 3 of the Prevention of Cruelty to Children Act (1926) states: “Nothing in this Ordinance shall be construed to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child to administer punishment to such child.” In 2004, the Sierra Leone Truth and Reconciliation Commission recommended prohibition of corporal punishment in the home and schools. However, the Child Rights Act (2007) does not repeal article 3 of the Prevention of Cruelty to Children Act; it confirms the concept of “reasonable” and “justifiable” correction, stating in article 33(2): “No correction of a child is justifiable which is unreasonable in kind or in degree according to the age, physical and mental condition of the child and no correction is justifiable if the child by reason of tender age or otherwise is incapable of understanding the purpose of the correction.”

Provisions against violence and abuse in the Prevention of Cruelty to Children Act, the Children and Young Persons Act, the Constitution (1991), the Offences Against the Person Act (1861), the Domestic Violence Act (2007) and the Child Rights Act are not interpreted as prohibiting all corporal punishment of children.

Schools

Corporal punishment is lawful in schools under article 3 of the Prevention of Cruelty to Children Act and article 33(2) of the Child Rights Act (see above). It should reportedly be inflicted by the principal only or by female teachers on girls, but we have been unable to identify specific legislation or regulations governing how it is administered. Despite the recommendations of the Sierra Leone Truth and Reconciliation Commission to prohibit corporal punishment in schools, the Education Act (2004) is silent on the issue.

Penal system

Corporal punishment is unlawful as a **sentence for crime** under the Child Rights Act, which repeals the Corporal Punishment Act (1960).

There is no explicit prohibition of corporal punishment as a **disciplinary measure** in penal institutions. It is presumably lawful under article 3 of the Prevention of Cruelty to Children Act and article 33(2) of the Child Rights Act potentially apply (see above).

Alternative care

Corporal punishment is lawful in alternative care settings under article 3 of the Prevention of Cruelty to Children Act and article 33(2) of the Child Rights Act (see above).

Prevalence research

According to statistics from UNICEF on violence in the family, 92% of children aged 2-14 experienced physical punishment and/or psychological aggression in 2005-2006: 69% experienced physical punishment and psychological aggression, 13% experienced psychological aggression only and 9% experienced physical punishment only. Disabled children were more likely to experience harsh discipline: 24% of disabled children aged 2-9 were hit on the face, head or ears, hit repeatedly or hit

hard, compared with 21% of non-disabled children. Of girls and women aged 15-49, 85% think that a husband is justified in hitting or beating his wife under certain circumstances.¹

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(20 June 2008, CRC/C/SLE/CO/2, Concluding observations on second report, paras. 35 and 36)

“The Committee notes with appreciation that the Child Rights Act repeals the Corporal Punishment Act, under which boys under age 17 could receive up to 12 lashes as punishment, and that corporal punishment had not been judicially applied for several years. However, the Committee is concerned that corporal punishment is not prohibited and, in fact, is widely practiced in homes, schools or alternative care contexts and detention centres.

“The Committee recommends that the State party ensure the full implementation of the Child Rights Act and that it explicitly prohibit by law all forms of violence against children, including corporal punishment, in all settings, including in the family, schools, alternative childcare and places of detention for juveniles, and implement those laws effectively. The Committee also recommends that the State party intensify its awareness-raising campaigns in order to promote the use of alternative forms of discipline in a manner consistent with the child’s human dignity and in accordance with the Convention, especially article 28, paragraph 2, taking into account the Committee’s general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.”

Committee on the Rights of the Child

(24 February 2000, CRC/C/15/Add.116, Concluding observations on initial report, paras. 34, 35, 46 and 47)

“While the Committee is encouraged by the exclusion of girls from the application by domestic courts of corporal punishment sentences, the Committee nevertheless considers this provision to be discriminatory between boys and girls.

“The Committee urges the State party to extend the prohibition of State sanctioned corporal punishment to boys.

“The Committee is concerned that corporal punishment is widely practised in the State party and that, in particular, it is used in the sentencing of boys under the age of 17 by domestic courts.

“In the light of articles 19, 28 (2) and 37 (a) of the Convention, the Committee urges the State party to take legislative and educative measures to prohibit the use of corporal punishment by the courts, all public officials and in schools, and to consider the prohibition of its use in the family.”

Committee on the Elimination of Discrimination Against Women

(11 June 2007, CEDAW/C/SLE/CO/5, Concluding observations on initial/second/third/fourth/fifth report, paras. 24 and 25)

“While welcoming the domestic violence bill of 2006, the Committee is deeply concerned about the high levels of violence against women, including rape and sexual assault. The Committee is particularly concerned about the persistence of customary law and cultural practices that consider the physical chastisement of family members, in particular women, acceptable....

¹ UNICEF (2009), *Progress for Children: A report card on child protection*, NY: UNICEF

“The Committee urges the State party to place the highest priority on implementing a comprehensive approach to address all forms of violence against women, including the speedy enactment and the full implementation of the bill on domestic violence. It encourages the State party to make full use of the Committee’s general recommendation 19 in its efforts to address violence against women. It urges the State party to raise public awareness through media and education programmes that all forms of violence against women, including domestic violence, are unacceptable....”

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