



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

UGANDA

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 12th session, 2011

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Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.

The Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.

In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment as a matter of priority.

Summary

This briefing describes the legality of corporal punishment of children in Uganda despite the repeated recommendations of the Committee on the Rights of the Child. We hope the Review will highlight the importance of prohibiting all corporal punishment of children in all settings, including in the home and schools, and urge the Government to enact legislation to achieve this as a matter of priority.

1 Legality of corporal punishment in Uganda

1.1 Corporal punishment is lawful in the **home**. Provisions against violence and abuse in the Children Act (2003), the Constitution (1995), the Penal Code (1950) and the Domestic Violence Act (2009) do not prohibit all corporal punishment in childrearing.

1.2 A Ministerial circular (2006) and the Guidelines for Universal Primary Education (1998, article 3.4 iii) state that corporal punishment should not be used in schools, but there is no explicit prohibition in law. In *Emmanuel Mpondi v Chairman Board of Governors & 2 ORS UHRC 1 (1999-2002)* the Human Rights Commission Tribunal ruled that the beating of a student to the point of severe injury violated his right to protection against cruel, inhuman and degrading treatment, but did not condemn all corporal punishment in schools. The proposed draft Amendment Bill for the Children Act (2010) would prohibit.

1.3 Research has repeatedly shown a high prevalence of corporal punishment at home and school. For example, a survey of 500 young women aged 18-24 years concerning their childhood experiences of violence, found that 94.2% had been subjected to physical violence, most commonly beating with an object (85.8%) and most commonly inflicted by teachers and parents. Other forms of physical violence included punching 55%, kicking 26.8%, being choked/burned/stabbed 20.4%, and being locked or tied up 18.2%.¹ In research involving over 2,500 adults and children, 98.3% of children reported experiencing physical violence at home and/or school, most often caning, slapping and pinching, followed by burning, locking up, tying up and other (e.g. kneeling, slashing grass, cleaning latrines); 31.3% experienced physical violence at least once a week, 15% every day.²

1.4 In the **penal system**, corporal punishment as a sentence for crime was ruled unconstitutional in a 1999 Supreme Court ruling (*Kyamanywa v. Uganda*, Criminal appeal No. 16) and is prohibited in article 94 of the Children Act. It is prohibited as a disciplinary measure in penal institutions in the Prisons Act (2003).

1.5 There is no explicit prohibition of corporal punishment in **alternative care settings**.

2 Recommendations by human rights treaty monitoring bodies

2.1 The **Committee on the Rights of the Child** has twice recommended prohibition of corporal punishment in all settings including the home – in its concluding observations on the state party's second report in 2005 (CRC/C/UGA/CO/2, para. 40) and on the initial report in 1997 (CRC/C/15/Add.80, paras. 15 and 35).

2.2 In 2004, the **Human Rights Committee** noted reports of corporal punishment in penal institutions and recommended bringing prison conditions into line with international standards (CCPR/CO/80/UGA, Concluding observations on initial report, para. 18).

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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¹ Stavropoulos, J. (2006), *Violence Against Girls in Africa: A Retrospective Survey in Ethiopia, Kenya and Uganda*, Addis Ababa, The African Child Policy Forum

² Naker, D. (2005), *Violence Against Children – The Voices of Ugandan Children and Adults*, Raising Voices/Save the Children in Uganda