



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

ETHIOPIA

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 6th session, 2009

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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, setting a goal of 2009.

Summary

This briefing describes the legality of corporal punishment of children in Ethiopia, despite the repeated recommendations of the Committee on the Rights of the Child. We hope the Review will highlight the importance of prohibition of corporal punishment of children, including in the home, and strongly recommend that the government introduce legislation as a matter of urgency to prohibit corporal punishment of children in all settings, including the home.

1 Legality of corporal punishment in Ethiopia

1.1 Corporal punishment is lawful in the **home**. Article 576(3) of the Criminal Code of Ethiopia (2005) states: “The taking, by parents or other persons having similar responsibilities, of a disciplinary measure that does not contravene the law, for the purpose 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 have been 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 Criminal Code and the Revised Family Code are not interpreted as prohibiting all corporal punishment in childrearing.

1.2 Research has repeatedly revealed a high prevalence of corporal punishment of children. A survey of 485 young women in Ethiopia aged 18-24 concerning their childhood experiences of violence found that 84% had suffered one or more types of violence, most commonly beating with an object (71%).¹ In interviews with 1,223 children from five regions were interviewed, only 17 children (1.4%) stated that they had never experienced corporal punishment in the home.²

1.3 Corporal punishment is 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”.

1.4 Corporal punishment is unlawful in the **penal system**.

1.5 In **alternative care settings**, corporal punishment is prohibited in child care institutions under article 36 of the Constitution, but this is undermined by the provisions in the Criminal Code and the Revised Family Code allowing for disciplinary measures (see above).

2 Recommendations by human rights treaty monitoring bodies

2.1 In its conclusions on the state party’s third report in 2006, the **Committee on the Rights of the Child** expressed concern at the widespread use of corporal punishment in the home, schools and other settings, and recommended explicit prohibition (CRC/C/ETH/CO/3, paras. 33 and 34). The Committee made similar recommendations in 2001 (CRC/C/15/Add.144, Concluding observations on second report, paras. 6, 38 and 39) and 1997 (CRC/C/15/Add.67, Concluding observations on initial report, paras. 13 and 27).

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 African Child Policy Forum on Violence Against Children & Save the Children Sweden (2005), *Report on Violence against Children*, cited in Government response to UN Study on Violence Against Children Questionnaire, 2005