



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

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BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 11th 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 Sierra Leone 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 the home, and urge the Government to enact legislation to achieve this as a matter of priority.

1 Legality of corporal punishment in Sierra Leone

1.1 Corporal punishment is lawful in the **home**. Article 3 of the Prevention of Cruelty to Children Act (1926) confirms “the right of any parent, teacher or other person having the lawful control or charge of a child to administer punishment to such child”. Despite the recommendation in 2004 of the Sierra Leone Truth and Reconciliation Commission to prohibit corporal punishment in the home and schools, the Child Rights Act adopted in 2007 does not repeal article 3 of the Prevention of Cruelty to Children Act and itself reaffirms the concept of “reasonable” and “justifiable” correction of children (article 33(2)).

1.2 According to statistics from UNICEF, 92% of children aged 2-14 experienced physical punishment and/or psychological aggression in the home in 2005-2006, with disabled children more likely to experience harsh discipline (being hit on the face, head or ears, hit repeatedly or hit hard). Of girls and women aged 15-49, 85% think that a husband is justified in hitting or beating his wife under certain circumstances.¹

1.3 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). The Education Act (2004) is silent on the issue.

1.4 In the **penal system**, corporal punishment is unlawful as a sentence for crime under the Child Rights Act, which repeals the Corporal Punishment Act (1960), but there is no explicit prohibition of corporal punishment as a disciplinary measure in penal institutions.

1.5 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).

2 Recommendations by human rights treaty monitoring bodies

2.1 The **Committee on the Rights of the Child** has twice expressed concern at corporal punishment of children in Sierra Leone and recommended explicit prohibition, including in the home – in 2008 in its concluding observations on the state party’s second report (CRC/C/SLE/CO/2, paras. 35 and 36) and in 2000 on the initial report (CRC/C/15/Add.116, paras. 34, 35, 46 and 47).

2.2 In 2007, the **Committee on the Elimination of Discrimination Against Women** expressed concern about the acceptability of physical chastisement of family members (CEDAW/C/SLE/CO/5, Concluding observations on initial-fifth report, para. 24).

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