



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

**UNITED REPUBLIC OF TANZANIA**  
**BRIEFING FOR THE HUMAN RIGHTS COUNCIL**  
**UNIVERSAL PERIODIC REVIEW – 12<sup>th</sup> 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](http://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 the United Republic of Tanzania despite the repeated recommendations of the Committee on the Rights of the Child and the Human Rights Committee. We hope the Review will highlight the importance of prohibiting all corporal punishment of children in all settings, including in the home and as a sentence of the courts, and urge the Government to enact legislation to achieve this as a matter of priority.**

## **1 Legality of corporal punishment in the United Republic of Tanzania**

1.1 Corporal punishment is lawful in the **home** in mainland Tanzania and in Zanzibar. Provisions against violence and abuse in the Penal Codes and other laws are not interpreted as prohibiting corporal punishment in childrearing. In mainland Tanzania, the Law of the Child Act (2009) states that parents should protect children from all forms of violence (article 9), includes beatings which cause harm in the definition of child abuse (article 3), and prohibits “torture, or other cruel, inhuman punishment or degrading treatment” (article 13). However, it allows for “justifiable” correction (article 13) and does not exclude all forms of corporal punishment from such correction. In Zanzibar, a Children’s Bill is expected to be tabled in Parliament in June 2011: we have no current information regarding its provisions in relation to corporal punishment.

1.2 Corporal punishment is lawful in **schools** in mainland Tanzania under the National Corporal Punishment Regulations (1979) pursuant to article 60 of the National Education Act (1978). The Law of the Child Act does not does not repeal these regulations or prohibit corporal punishment in schools. Government guidelines in 2000 reduced the number of strokes from six to four and stated that only the heads of schools are allowed to administer the punishment, with penalties for teachers who flout these regulations. In Zanzibar, the Ministry of Education has adopted a policy against corporal punishment in schools, but it remains lawful under the 1982 Education Act. We do not know if it would be prohibited in the Children’s Bill.

1.3 Corporal punishment is lawful as a **sentence for crime** in mainland Tanzania under a number of laws, including the Corporal Punishment Ordinance (1930), the Minimum Sentences Act (1963), the Sexual Offences (Special Provisions) Act (1998), the Penal Code and the Criminal Procedure Code (1985). The Minimum Sentences Act amends the Corporal Punishment Ordinance (article 12) to allow for administering corporal punishment in instalments. Under article 8 of the Ordinance, juveniles may be given up to 12 strokes (up to 20 for adults) and the punishment may be inflicted in the open courtroom. The Minimum Sentences Act does not apply to females or to juveniles under the age of 16 years (articles 2 and 3). The Law of the Child Act provides for criminal charges against children to be heard by a juvenile court (article 98); it prohibits “torture, or other cruel, inhuman punishment or degrading treatment” (article 13) and does not explicitly provide for corporal punishment as a sentence of the court. However, the Act does not prohibit judicial corporal punishment for child offenders or repeal the above mentioned laws which authorise such sentences.

1.4 According to Amnesty International, Zanzibar abolished judicial corporal punishment in 2004,<sup>1</sup> but the Penal Code (2004) provides for corporal punishment for a number of crimes. We do not know if the Children’s Bill would prohibit judicial corporal punishment of child offenders.

1.5 Corporal punishment is lawful as a **disciplinary measure in penal institutions**. In mainland Tanzania, the Law of the Child Act prohibits “torture, or other cruel, inhuman punishment or degrading treatment” (article 13) but does not explicitly prohibit corporal punishment. In Zanzibar, the Offenders Education Act (1980, as amended in 2007) authorises the use of force for purposes of discipline in offenders education centres: we do not know if corporal punishment would be prohibited in the Children’s Bill.

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<sup>1</sup> Amnesty International (2005), *Tanzania report covering events from January 2004 – December 2004*, <http://web.archive.org/web/20060107193145/http://web.amnesty.org/report2005/tza-summary-eng>, accessed 20 January 2010

1.6 Corporal punishment is lawful in **alternative care settings**. In mainland Tanzania, the Law of the Child Act does not explicitly prohibit corporal punishment in care settings; it would be lawful under the provisions for “justifiable” correction in article 13 (see above). We do not know if the Children’s Bill in Zanzibar would prohibit corporal punishment in care settings.

## **2 Recommendations by human rights treaty monitoring bodies**

2.1 The **Committee on the Rights of the Child** has twice recommended that Tanzania prohibit corporal punishment in all settings, including the home, schools and institutions – in its concluding observations on the state party’s second report in 2006 (CRC/C/TZA/CO/2, paras. 34 and 70) and on the initial report in 2001 (CRC/C/15/Add.156, paras. 39 and 67).

2.2 In its concluding observations on the state party’s fourth report in 2009, the **Human Rights Committee** recommended prohibition of corporal punishment as a sentence of the courts and in schools (CCPR/C/TZA/CO/4, para. 16). The Committee made the same recommendation following examination of the third report in 1998 (CCPR/C/79/Add.97, para. 16).

*Briefing prepared by the Global Initiative to End All Corporal Punishment of Children*  
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