

Ending family violence in Nigeria – confronting physical punishment of girls and boys



Information for the Committee on the Elimination of Discrimination Against Women Pre-Sessional Working Group from the Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org), August 2016

Introduction: family violence in Nigeria and CEDAW’s examination of the seventh/eighth state party report

Nigeria’s report to the Committee mentions various measures to tackle gender-based violence, and states that “in effect, over two-third [sic] of the country have laws in place to protect the rights of women against any form of violence” (para. 3.11). However, it does not acknowledge that the most common form of violence against girls – violent punishment – remains lawful in the family home and all other settings of their lives. Research has shown that corporal punishment is inflicted on a large majority of girls in the country. Clear prohibition of corporal punishment in law is an essential foundation for eliminating all violence against girls.

We hope the Committee on the Elimination of Discrimination Against Women will raise this situation in its list of issues and subsequent examination of Nigeria. In particular, we hope the Committee will:

- **in its list of issues, ask the Nigeria what legislative and other measures are being taken to ensure that the family home is a violence free environment, including through the prohibition and elimination of all corporal punishment of children, and**
- **in its concluding observations on the state party report, recommend that Nigeria ensure that *no* form of violence within the domestic sphere is condoned, including by parents against their children, and that legislation is enacted to prohibit all forms of domestic violence against all family members, including all physical punishment of children.**

The remainder of this briefing provides the following further details:

1. The current law relating to family violence and corporal punishment of children in Nigeria and the legislative reform required in order to achieve prohibition
2. Brief summaries of research on the prevalence of and attitudes towards corporal punishment in the state party
3. A brief summary of treaty body recommendations on the issue made to Nigeria to date.

1 Laws on violent punishment of girls and boys in Nigeria

- 1.1 Corporal punishment of girls and boys is lawful in the family home.
- 1.2 Article 295 of the Criminal Code (South) states: “A blow or other force, not in any case extending to a wound or grievous harm, may be justified for the purpose of correction as follows: (1) a father or mother may correct his or her legitimate or illegitimate child, being under sixteen years of age, for misconduct or disobedience to any lawful command; (2) a master may correct his servant or apprentice, being under sixteen years of age, for misconduct or default in his duty as such servant or apprentice;... (4) a father or mother or guardian, or a person acting as a guardian, may delegate to any person he or she entrusts permanently or temporarily with the governance or custody of his or her child or ward all his or her own authority for correction, including the power to determine in what cases correction ought to be inflicted; and such a delegation shall be presumed, except in so far as it may be expressly withheld, in the case of a schoolmaster or a person acting as a schoolmaster, in respect of a child or ward.”
- 1.3 Article 55 of the Penal Code (North) states: “(1)(a) Nothing is an offence which does not amount to the infliction of grievous hurt upon any person and which is done: by a parent or guardian for the purpose of correcting his child or ward, such child or ward being under eighteen years of age.” These provisions are also confirmed in the Shari’a penal codes in the Northern states.
- 1.4 Article 11 of the Child Rights Act 2003 states that every child is entitled to respect for the dignity of his person and no child shall be “subjected to physical, mental or emotional injury, abuse, neglect or maltreatment, including sexual abuse “subjected to torture, inhuman or degrading treatment or punishment”, but these provisions are not interpreted as prohibiting all corporal punishment in childrearing. Similarly, child rights laws at state level prohibit corporal punishment that reaches a certain threshold of severity but are not interpreted as prohibiting all corporal punishment by parents.
- 1.5 Corporal punishment of girls and boys remains lawful in schools, alternative care settings, day care, penal institutions and as a sentence for crime.¹

2 Research on the prevalence of and attitudes towards corporal punishment in Nigeria

- 2.1 Research has shown that corporal punishment of girls is highly prevalent. A study by the African Child Policy Forum in Burkina Faso, Cameroon, Democratic Republic of the Congo, Nigeria and Senegal found that hitting, beating and forced hard work were the most prevalent forms of violence against girls, and that most of the physical violence experienced by girls was corporal punishment. The study involved a survey of 3,025 young women (nearly 600 per country) aged 18-24 about the violence they had experienced in their childhood. In Nigeria, 84% had been hit during their childhood, 90% beaten, 55% kicked, 71% denied food and 17% choked or burned. Parents and close relatives were the most common perpetrators of physical violence.²
- 2.2 Nigeria’s first national Violence Against Children Survey (VACS) conducted in 2014 found approximately six out of every 10 children experience some form of violence; half of all children experience physical violence, with parents or adult relatives being the most common perpetrator. Male teachers are the most common perpetrators of the first incident of physical violence against children in the neighbourhood. One in six girls and one in five boys experience emotional violence by a parent, caregiver or adult relative. The study notes that while it is not focused on acts of discipline, many of those perpetrating the violence may be doing so in the name of “discipline”.³

¹ More detail is available at www.endcorporalpunishment.org

² The African Child Policy Forum (2010), *Childhood Scars in Africa: A Retrospective Study on Violence Against Girls in Burkina Faso, Cameroon, Democratic Republic of the Congo, Nigeria and Senegal*, Addis Ababa: The African Child Policy Forum

³ National Population Commission of Nigeria, UNICEF Nigeria & US Centre for Disease Control and Prevention (2015), *Violence Against Children in Nigeria: Findings from a National Survey, 2014*, Abuja, Nigeria: UNICEF Nigeria

2.3 According to UNICEF statistics collected in 2011, 91% of children aged 2-14 experienced “violent discipline” (physical punishment and/or psychological aggression) in the home in the month prior to the survey. Nearly eight in ten (79%) experienced physical punishment and 81% experienced psychological aggression (being shouted at, yelled at, screamed at or insulted). A smaller percentage (62%) of mothers and caregivers thought that physical punishment was necessary in childrearing.⁴

3 Recommendations by human right treaty monitoring bodies

3.1 In 2005, the Committee on the Rights of the Child expressed concern at corporal punishment of children in all settings, including in penal and other institutions and as a sentence for crime, and recommended law reform to prohibit it.⁵ In 2010, the Committee reiterated its concerns, noting that little or no action had taken place or was planned in order to rectify the situation, and again recommended prohibition of corporal punishment in all settings.⁶

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⁴ UNICEF (2014), *Hidden in Plain Sight: A statistical analysis of violence against children*, NY: UNICEF

⁵ 13 April 2005, CRC/C/15/Add.257, Concluding observations on second report, paras. 38, 39, 79, 80 and 81

⁶ 21 June 2010, CRC/C/NGA/CO/3-4, Concluding observations on third/fourth report, paras. 5, 6, 40 and 41