



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

BRIEFING ON SIERRA LEONE FOR THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, PRESESSIONAL WORKING GROUP – Jul 2013

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The human rights obligation to prohibit corporal punishment – a key strategy in eliminating all forms of violence

The legality and practice of corporal punishment of girls breaches their fundamental rights to respect for their human dignity and physical integrity, to equality under the law and to protection from all forms of violence – rights guaranteed in the Convention on the Elimination of All Forms of Discrimination Against Women and other international human rights instruments. There are strong links between corporal punishment of children – girls and boys – and all other forms of violence, including gender-based violence. As the Committee on the Rights of the Child emphasised in its General Comment No. 8 (2006),¹ addressing corporal punishment is “a key strategy for reducing and preventing all form of violence in societies”.

This briefing describes the legality of corporal punishment of children in Sierra Leone. In light of General Recommendation No. 19 on Violence against women (1992), the links between corporal punishment of children and all other forms of violence including gender-based violence, the recommendations of treaty monitoring bodies, we hope the Committee on the Elimination of Discrimination Against Women will:

- **raise the issue of corporal punishment of girls in its List of Issues for Sierra Leone, asking what progress has been made towards prohibiting and eliminating corporal punishment in all settings, including the home, and**
- **recommend to Sierra Leone, in the concluding observations on the initial state party report, that corporal punishment is explicitly prohibited in all settings, including the home, as a matter of priority.**

¹ General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment” is available at www2.ohchr.org/english/bodies/crc/comments.htm.

1 The state party's report to CEDAW

1.1 The initial state report of Sierra Leone to CEDAW (1 November 2012, CEDAW/C/SLE/1) includes information concerning violence against women but makes no mention of corporal punishment – violence which may lawfully be inflicted on girls and boys in the guise of “discipline”. Neither is any mention made of corporal punishments imposed under Shari’a law.

2 The legality corporal punishment of children in Sierra Leone

2.1 *Summary*: In Sierra Leone, corporal punishment is unlawful as a sentence for crime but it is lawful in all other settings – the home, schools, penal institutions and care settings.

2.2 *Home (lawful)*. 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”. In 2004, the Sierra Leone Truth and Reconciliation Commission recommended prohibition of corporal punishment in the home and schools. But the Child Rights Act 2007 does not repeal article 3 of the Prevention of Cruelty to Children Act 1926; it confirms the concept of “reasonable” and “justifiable” correction, stating in article 33(2): “No correction of a child is justifiable which is unreasonable in kind or in degree according to the age, physical and mental condition of the child and no correction is justifiable if the child by reason of tender age or otherwise is incapable of understanding the purpose of the correction.”

2.3 *Schools (lawful)*. Corporal punishment is lawful under article 3 of the Prevention of Cruelty to Children Act 1926 and article 33(2) of the Child Rights Act 2007 (see above). Despite the recommendations of the Sierra Leone Truth and Reconciliation Commission to prohibit corporal punishment in schools, the Education Act 2004 is silent on the issue.

2.4 *Penal system – sentence for crime (unlawful)*. Corporal punishment is unlawful under the Child Rights Act 2007, which repeals the Corporal Punishment Act 1960.

2.5 *Penal system – disciplinary measure in penal institutions (lawful)*. There is no explicit prohibition of corporal punishment in penal institutions. It is presumably lawful under article 3 of the Prevention of Cruelty to Children Act 1926 and article 33(2) of the Child Rights Act 2007 (see above).

2.6 *Alternative care settings (lawful)*. Corporal punishment is lawful under article 3 of the Prevention of Cruelty to Children Act 1926 and article 33(2) of the Child Rights Act 2007 (see above).

3 Recommendations by human right treaty monitoring bodies and during the UPR

3.1 *CEDAW*: In 2007, the Committee on the Elimination of Discrimination Against Women expressed concern at the acceptability of physical chastisement of family members and recommended a comprehensive approach to deal with all forms of violence against women, though did not make a specific recommendation on “disciplinary” violence on girls (and boys).²

3.2 *CRC*: The Committee on the Rights of the Child has twice recommended that legislation be enacted to explicitly prohibit corporal punishment in all settings, including the family – in

² 11 June 2007, CEDAW/C/SLE/CO/5, Concluding observations on initial/second/third/fourth/fifth report, paras. 24 and 25

its concluding observations on the state party's initial report in 2000³ and on the second report in 2008.⁴

3.3 *UPR*: Sierra Leone was examined in the first cycle of the Universal Periodic Review in 2011 (session 11). No recommendations were made concerning corporal punishment of children. However, the Government accepted a number of recommendations to protect and promote the rights of children.⁵

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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³ 24 February 2000, CRC/C/15/Add.116, Concluding observations on initial report, paras. 34, 35, 46 and 47

⁴ 20 June 2008, CRC/C/SLE/CO/2, Concluding observations on second report, paras. 35 and 36

⁵ 11 July 2011, A/HRC/18/10, Report of the working group, paras. 80(16), 80(24), 81(17) and 81(18)