

REPORT ON THE ANNUAL MEETING OF THE SOUTHERN AFRICAN NETWORK TO END CORPORAL AND HUMILIATING PUNISHMENT OF CHILDREN

1 INTRODUCTION

Representatives from organisations working on the issue of ending corporal and humiliating punishment of children in Botswana, Mauritius, Mozambique, South Africa, Swaziland and Zambia attended the fourth Annual Meeting of the Southern African Network. A full list of participants is given in Appendix 1. The meeting was held in Pretoria, South Africa, on 11th and 12th May 2009.



Participants hard at work on Day 1.

With eight sessions over the two days, and a wide range of activities to report on, as well as planning for the next period, the meeting was intensive and needed to remain focused with reasonable time-keeping. Samantha Waterhouse of RAPCAN was the overall chair, but different sessions were chaired by different members of the Network, and an active role was played by all participants.

Please note that the presentations are available in full in Appendix 2.

2 SESSION 1 – INTRODUCTIONS AND UPDATES

This session was chaired Ulrika Sonneson (Save the Children Sweden).

2.1 Introductions

Samantha Waterhouse welcomed all present and outlined the objectives of the meeting as:

- sharing ideas, strategies, plans and actions going forward;
- updates on regional and continental developments;
- strengthening access to existing networks;
- linking to resources;
- identification of further work and advocacy strategies.

As part of the “getting to know each other” segment of this session, participants were asked to disclose something about themselves that others in the group might not know about them. Some interesting hobbies and pursuits emerged – one member is a belly dancer one has a penchant for fast cars; there was a musician, and a triple jumper, a photographer (who didn’t take any of the pictures!), a singer (but only in the bath), someone who likes baking, and someone involved with the Scouts. There were some unusual pets too – at least one dog, a hamster, chickens and cats. Several members were parents (including a mother of 9) and there were also some grandparents. There were two skydivers, and someone was contemplating starting flying lessons. All in all a very varied group!

2.2 Country updates

Reports from the six countries present were focused on activities within the country during the previous year, highlighting legal and societal issues and identifying opportunities for joint advocacy

Botswana – Emily Ruhukwa, Ditswanelo Centre for Human Rights

Emily reported that Botswana is developing a new Children’s Act, and that considerable energy had been devoted to lobbying and advocacy around this. A group of organisations in the country, comprised of Ditswanelo, CRAFT, Stepping Stones International and Childline Botswana, had been working together on this. However, despite their efforts, all provisions in the Act related to the prohibition of corporal punishment were dropped.

However, this advocacy was successful in setting in place a situation where the administration of corporal punishment in schools is regulated. It is by such gradual increments that the issue is moved toward prohibition.

Two cases where criminal charges could be brought were dealt with. In the first, where a child was beaten by teacher in school, the matter was taken to the High Court. Despite a legal opinion prepared by an advocate, it was found that there was no causal link between the beating and physical condition of the girl. Another matter, brought by a parent, is currently being evaluated.

Other activities during 2008 included reporting on corporal punishment for the Universal Periodic Review (for which no feedback has been received). Although reports to both the UNCRC and the ACERWC were due last year, these have been postponed to 2009.

One positive development has been that newspapers seem more prepared to report on what Ditswanelo has to say. A challenge was the redeployment of a minister who really seemed to understand the issues, and there is unclarity on whether the new minister is fully on top of promoting children's rights, and may be supportive of corporal punishment.

Support needed from the Network was identified as any materials (posters, pamphlets, articles) available to be shared, and support for training.

Mauritius – Ismail Bawamia, Office of the Children's Ombud's Office

Ismail reported that there was great happiness when Mauritius was identified as the most child-friendly country in Africa by the African Child Policy Forum. This notwithstanding, he reported on a case of brain damage resulting from corporal punishment administered by a mother, and a teacher administering severe corporal punishment (the teacher has been suspended and has been charged).

Corporal punishment has not been abolished in schools, and advocacy with union leaders and teachers has revealed that teachers view themselves as victims of violence. There have been several campaigns in schools, involving school inspectors, and school psychologists. On a nearby island, training teachers of teachers as to the psychological impact on children of corporal punishment is being offered. Nonetheless, research indicates that 30 out of 40 pupils believe that corporal punishment should be administered.

A positive development has been the appointment of a new Chief Justice with a particular interest in children's matters, which has resulted in the establishment of family courts and an invitation to the ombud to make representations. The Chief Justice has also requested a team of persons with specialised knowledge to work with children's matters. Work has also been done on sensitising doctors to child abuse and to reporting it

It is of concern that the age of children in trouble with the law has declined from 15 to 10 years.

Mozambique – Berta Fumo, Rede Came and Paula Simbine, Save the Children (Mozambique)

The Mozambique Constitution prohibits all forms of torture, but violence in general is at high levels. There is move towards the legal abolition of violence against children, including corporal punishment, but progress is slow. A regulation prohibiting corporal punishment in schools was promulgated in response to pressure from civil society, but the extent of corporal punishment in the school setting is not known.

There is evidence to suggest that children often don't want to go to school because of physical and psychological abuse in that setting, and Plan International has launched a campaign around violence in schools, called School without Fear, at national level.

In a new law which was recently passed, there is assistance for victims of violence, but extensive proof is required. Childline in Mozambique (Rede Came) has been asked to assist in establishing such proof.

Activities in the country include advocacy on prohibition of corporal punishment in the justice system (as a sentence), establishing Uca Mwana Clubs, training and building awareness around child rights, and workshops with adults on issues related to disciplining children.

Planning for the current years includes:

- reinforcing the regulation by the Ministry of Education on prohibition of corporal punishment in schools;
- developing a national understanding of what corporal punishment entails, and its consequences;
- working with families on the consequences of corporal punishment, and more appropriate discipline of children;
- establishing a toll-free line for reporting of cases, including negotiation with the business sector;
- clarification of definitions and terminology, for which a legal team is being consulted; and
- advocating for a new bill prohibiting corporal punishment.

It is a challenge that many laws but not enforced in Mozambique.

South Africa – Samantha Waterhouse, Advocacy Manager, Resources Aimed at the Prevention of Child Abuse and Neglect

The focus of this report-back was the activities of the South Africa network of organisations working on the prohibition of corporal punishment, known as the Working Group on Positive Discipline - WGPDP.

The Children's Act has been passed but corporal punishment in the home was not prohibited.

Corporal punishment is prohibited in schools, but still widely used. The levels of violence in schools are often used as a justification for the use of corporal punishment. The WGPDP is working with the National Department of Education to facilitate an understanding that in order to prohibit corporal punishment in schools, one has to look at the bigger environment in schools. In addition, the WGPDP is engaged with trying to develop a parenting curriculum in schools to promote a positive discipline norm.

The WGPDP would appreciate any information of what has worked in education departments in other countries in Africa – thus far, the WGPDP has found information from European curriculums – which is not necessarily suitable to developing countries.

Currently the WGPDP is preparing for a Constitutional challenge to corporal punishment in the home. This is led by child law specialist, and 5 or 6 organizations are participating. The first applicant is the Human Rights Commission, Childline S.A is likely to be the second applicant, and it is hoped that the South African Council of Churches will join as *amicus*. It is also hoped that an individual child will be an applicant. The WGPDP has secured the services of a committed junior advocate.

A local national newspaper, the Sunday Times, is taking corporal punishment on as an ongoing project. The need for this level of involvement to change attitudes is highlighted by a recent case, where children were seriously injured in school through corporal punishment. This was reported to Childline and the children were removed from the school. However, there was significant opposition to removing the children from school due to a poor understanding of the effects of corporal punishment on quality education.

Swaziland, Nomzamo Dlamini, Save the Children (Swaziland)

There is a draft Child Protection and Welfare Bill in development, and establishing new child protection committees is ongoing.

Save the Children (Swaziland) conducted a survey on corporal punishment in schools as the basis for commencing a programme on positive discipline in that setting. The organisation is working hard to support teachers in schools after a successful workshop with teachers in 2008.

Zambia –Aliness Mumba, ZINGO

A faith perspective to the issue is brought in Zambia by ZINGO. The faith community can be slow in accepting that which seems to be against their faith, and "Spare the rod, spoil the child" is taken literally in Zambia.

The strategy that ZINGO is focusing on is the elimination of corporal punishment within the broader spectrum of children's rights, with all activities being rights-based. As there is an understanding that the home can be the most dangerous place for the child, parenting is being used as a vehicle to promote ban on corporal punishment. The main issue relates to the protection of the child's dignity.

ZINGO has started and facilitates 7 Mother bodies (members) and continues to use the "Letter to the Zambian Child" which was written by the religious community, pledging protection of children. Because there is no proper way of recording and documenting activities, there is an inability to track developments. A strategy is being developed to address this.

Challenges include:

- a lack of materials and resources;
- the need for accessible materials; and
- the fact that Government officials do not want to prohibit corporal punishment – not popular

Zambia - Judith Mulenga, ZCEA

There is a coalition against corporal punishment of children in Zambia, of which both ZINGO and ZCEA are members. This coalition is attempting to ensure the issue receives national attention, and is developing fact sheets specific to the situation on Zambia. The need to develop a strategy on advocacy toward a ban on corporal punishment has been identified, and someone will receive training to take this forward.

In terms of the law in Zambia, there is no prohibition of corporal punishment in the penal system, although the law now prohibits any form of child battering. ZCEA has found that parents aged 30 to 50 years old believe that they should beat their children, but below that age and after that age, parents do not feel it is necessary. Grandparents tend to believe that children need to be supported, and this is resulting

in lower rates of corporal punishment by parents as they have support from their parents.

ZCEA is intending to complete the process of simplifying General Comment 8. A Parliamentary focus group on children has been formed, and journalists have also become involved in the process. This is helpful as the media calls upon ZCEA to react to the issue of corporal punishment.

2.3 Discussion following country updates

While there was a brief period for questions of clarity allowed after each country presentation, there was a broader discussion once all had been presented.

Comments specific to **Botswana** related to it being possibly more useful to link the child's psychological condition (rather than the child's physical condition) to corporal punishment, and the fact that corporal punishment is not seen as inhumane in Botswana. It was suggested that the Convention Against Torture could be usefully invoked here.

Comments specific to **Mauritius** related to engaging children in advocacy against corporal punishment (there is a national Children's Council supported by law, there was a recent TV program where children spoke freely about the issue, a Human Rights Day during which children made representations was held, and there has been a proposal to initiate a children's parliament), whether children have enough time to play (education is very competitive in Mauritius), and the fact that not everyone had seen the African Child Policy Forum's Report on child well-being and the child friendliness of each African country.

ACTION: Circulate ACPF Child Friendly report – Sam – 1 week

Comments specific to **Mozambique** highlighted that the work being done is family based, and that this is a good practice and we should learn from it.

There was no comment specific to either **South Africa** or **Zambia**.

ACTION: It was agreed to circulate the SAHRC position paper on corporal punishment if this is approved – Tasneem will see to this.

ACTION: Circulate any material to which members have access in relations to parenting curricula in schools – All

ACTION: Distribute the ZCEA strategy on advocacy when developed - Judith

ACTION: Distribute the ZCEA module for teacher training - Judith

Numerous challenges relating to all the country reports were raised. Those present were concerned about how can we encourage African government peer support and establish pressure between governments.

There was some discussion on the options for litigation, and it was agreed that a 'strategic sub-group' should be set up to write a paper on the advantages and disadvantages of litigation on corporal punishment, which should be extremely carefully documented. **Judith, Daksha, Ulrika, Emily, Joan agreed** to work on this issue.

In the few countries where corporal punishment is prohibited in schools it is frequently not enforced. Members present were having difficulty facilitating the inclusion of relevant modules in teacher training curricula. The sub-group mentioned above was mandated to also consider material and activities which would facilitate implementation of the ban in schools.

Issues around child participation were also raised, and it was agreed that resources for consulting with children should be pulled together for the Network – **Sam, Ismail, Joan, Carol, and Nomzamo agreed** to work on this.

The need for accessible easy to read material was stressed as was the usefulness of the website, and it was agreed that presentations made by members on the issue of corporal punishment would be circulated to all members.

3 SESSION 2 – NETWORK MEMBERS ACTIVITIES IN 2008

This session was chaired Emily Ruhukwa (Botswana Centre for Human Rights).

3.1 Presentation on the write-up of the advocacy towards prohibition on South Africa – Carol Bower

This presentation marked the launch of the booklet reviewing the South African advocacy process for law reform. The presentation dealt with the objectives and process of the review, the findings, the strategies used to advocate for prohibition, the lessons learned during the advocacy process, and the recommendations arising from the review.

During the discussion, it was noted that corporal punishment is a controversial issue, and other countries have also experienced a lack of consensus among civil society organisations. It was agreed that efforts to create cohesion and consensus on terminology etc. are required. It was pointed out that, although there were some organisations which did not support the call for a ban, there were many others which did.

It was highlighted that, despite the loss of the clause prohibiting corporal punishment, there had been a number of gains including a significant shift in the social environment. The importance of having a group focussed solely on the issue of discipline and not including a wide range of children's issues was also stressed.

Nomzamo (Swaziland) noted that the WGPD have managed to do good work, and that the children's consortium in Swaziland could play a similar role.

It was noted that journalists lack experience of children's issues, and this results in many cases in a failure to report properly. Initiatives to conscientise journalists are extremely valuable. The programme of Media Monitoring Africa, which runs from the end of June to the beginning of July, was acknowledged as having a role to play in ensuring that journalists are informed about the issue. Ismail shared the experience in Mauritius, where key journalists from each publication are identified and included in communication with that publication.

Concerns were expressed about the challenges of ensuring that the message trickles down from religious leaders to local level.

3.2 Overview and report-back on general Network activities agreed at the meeting in 2008 – Samantha Waterhouse

In reporting back on the activities of the Regional Network for the previous year, Sam identified a number of achievements in what was a very active period:

The report on the 2008 meeting was finalised and circulated. Other “once-off” tasks were the preparation of a document on treaty body reporting processes for the relevant countries (prepared by Carol), and the development of a simplified version of General Comment 8 was also developed (by Judith, Carol, Ismail) and circulated.

There was a lot of activity related to the presentation of the Network’s submission to the African Committee of Experts on the Rights and Welfare of the Child, including preparation for and obtaining permission to make the submission, development of the submission, obtaining input and support from 31 organisations across the continent, and the actual presentation to the ACERWC by Daksha, Emily, Judith and Keith. All the Network members were involved in the development of the submissions. Good support was obtained from the African Child Policy Forum and the African Network on the Prevention of and Protection from Child Abuse and Neglect (ANPPCAN). It was very pleasing that the ACERWC has agreed to take action on the issue.

There was also a fair amount of preparation and planning for All African Conference of Churches, which was made by Carol and Keith. A Concept Paper and the submission were prepared, and the AACC issued a Resolution which included support for positive discipline.

Other activities included the development of the website, the circulation of a number of resources related to faith-based support, and attendance (by Carol and Joan) at the ANPPCAN conference, which included a stream on discipline.

Challenges included limited response to the press release issued at the time of the meeting with the ACERWC, which was not well picked up except in Ethiopia and Botswana, the difficulties of trying to establish a route for communication with SADC, and obtaining general statements of support from key organisations such as ISPCAN – although this is balanced by good support out of ACERWC process.

Using the website and keeping it current was also challenging, as was attempts to follow-up and support the Study on Violence via the NGO Advisory Council, contact with International Association of Child Welfare, and engagement with African Human Rights Institutions such as the Indian Ocean Child Rights Observatory and Institute for Human Rights in Africa. The tension between gathering support rather than membership of the network continues to play a role, and it is important to maintain a manageable network but ensure visible official support from a wider base of organisations.

During discussion after the presentation, several action points were agreed:

ACTION: Media liaison for Network is needed.

ACTION: Contact needs to be made with the parenting subgroup within SADC.

ACTION: The support of ISPCAN for prohibition was confirmed by Joan, who undertook to raise the issue on the agenda of the African Region Child Helplines International later this year.

ACTION: Carol agreed to follow up with the NGO Advisory Council and the International Association of Child Welfare regarding support for the issue of prohibition.

ACTION: Members were asked to consider how would we engage African Human Rights institutions, and who else could be targeted to participate in the network – the Regional office of Save the Children in Nairobi was proposed.

3.3 Treaty Bodies and the status of Country Reports – Carol Bower

Subsequent to the 2008 meeting of the Regional Network, a document detailing the status of ratifications of relevant international treaties and of country and alternate reporting was prepared and circulated. This presentation recapped this document.

It dealt with the following areas:

- Process of ratification
- What ratification means
- Status of ratifications
- Status of Country Reports
- Writing Alternate Reports

4 SESSION 3 - PARENTING

This session was chaired by Judith Mulenga (Zambian Civic Education Association [ZCEA]).

4.1 Developing materials and resources to support positive parenting and appropriate discipline in Southern Africa – Joan van Niekerk

This presentation concerned a project being implemented in Southern Africa by Childline S.A to build capacity and support for positive parenting and appropriate discipline of children in the region.

The project was initiated partly in response to the experience of Childline S.A that counsellors on the crisis line are challenged by the issue of discipline, and report that positive parenting without corporal punishment is more difficult with younger children – many callers and the counsellors themselves consider corporal punishment the only possible route for disciplining pre-school children.

Focus group with children aged 6-12 and 13-18 years, and with parents were run in six Southern African countries, involving 39 groups with a total of 547 participants, early in 2009. The organisations which facilitated these groups reported back in a format that was developed for the purpose, and themes emerging from these groups were extracted.

There were common themes in all the age categories. Children noted that adults sometime have unrealistic expectations of their abilities, while parents themselves noted that, while in general the principles of parenting are understood, parents are faced with a number of challenges that make parenting difficult.

The themes which emerged related to relationships within households and families, modelling behaviour and setting an example for children, communication, establishing rules, and responding to "misbehaviour".

The findings from this phase of the project indicate:

- A strong need for parenting support groups and access to information on child development and alternatives to physical punishment, identified by parents and children.
- Parents need to understand more about the rights of children, and their own rights, linked to responsibilities.
- The focus group format could be a useful catalyst for the development of positive parenting practices and positive relationships between children and their parents.
- Clear and culturally appropriate messages around positive parenting are needed, as well as accessible materials to promote positive parenting.
- These should include materials which facilitate communication, participation, the involvement of fathers, and mutual activities and interests for parents and children in their homes and family environments.
- Messaging should be balanced with regard to the promotion of the rights and responsibilities of children, as well as the rights and responsibilities of parents.
- Messaging should be empowering and focus on what is positive, not on what is negative.
- Information should be readily available on child development (physical, emotional, social and cognitive) in accessible formats and local languages.

A reference group of experts and practitioners from the region is to be constituted, and the development of actual materials will commence before the middle of 2009.

4.2 Networks, alliances and resources on parenting in Africa – Carol Bower

This presentation reported that there are two parenting initiatives in Africa at present – the Childline S.A one focused on Southern Africa, on which Joan van Niekerk would be reporting next, and an Africa-wide initiative under the auspices of International Child Support, the African Child Policy Forum and Plan International.

The objectives of the Africa-wide initiative are:

- To bring about behavioural change by facilitating the development of a conducive environment where parents and the immediate environment can impart character, value and skills that will ensure that children grow up to become responsible adults.
- To monitor policy implementation and budget allocation, and whether governments have in place and implement social protection and welfare programmes which complement other interventions that aim at promoting behavioural change.
- To raise awareness.
- To enhance the promotion of skillful parenting via the development of contextualized manuals, training of trainers, etc.).
- To review policies and legislation to determine to what extent they are conducive for parents and parenting.
- To enhance experience sharing and joint action

The process of this initiative has involved country consultations in Ethiopia, Uganda, South Africa and Kenya. An Experts Meeting is planned for October 2009, and a Regional Symposium for November 2009. It is planned to launch the Skilful Parenting Program in Africa in 2010, which will run until 2018. The initiative has a website - www.parentinginafrica.com – and anyone can join to participate in discussion forums and the 'stories on parenting' project. There is no cost to join.

4.3 Discussion on this session

The linkage between the Childline material and the Africa-wide initiative is that the materials developed will become a resource for the wider project. There was enormous interest in this initiative when it was presented at the recent conference of the African Network for the Prevention of and Protection from Child Abuse and Neglect (ANPPCAN) in Addis Ababa. The Childline project was seen as a useful pooling of resources, with variations based on language and culture. It was clarified that the Childline process will result not in a 'manual' but rather in a series of useful materials that are user friendly; there will be training associated with these and a training manual on how to use the materials. The great diversity of input shows us how similar we are, this is a similar experience for Judith across Zambia and Swaziland.

These should be simple and accessible, and focus on formats other than text such as DVDs to play in clinics etc. More sophisticated material might however be needed for counsellors working directly with children.

It was noted that the information coming from all the participating countries, while diverse, illustrates clearly the many similarities in our experience; this has been seen also in other contexts, such as the similarities experienced across Zambia and Swaziland when ZCEA did some work on the issue with Save the Children Swaziland.

It was agreed that it is important to have a repository of some kind where people can "pick up" materials, easily.

Regarding the ANPPCAN Conference, it was unclear whether the prohibition of corporal punishment formed part of the Conference Resolution, but this was discussed. The next ANPPCAN Conference is in 2011 in Kenya; the ISPCAN 2012 Conference is in Uganda. A chapter of ANPPCAN is being established in Mozambique with the primary objective of providing psychological assistance to children who have been traumatised. There is a Zambian chapter, and SASPCAN is the South African chapter.

We must consider other ways of disseminating messages to families, must think constantly of repackaging messages. Create a campaign in which everything can fit, do our messages speak to our audience or do they speak to us (the sender). The localisation of contexts in small and doable ways and this makes the material more meaningful locally. Changing a name or referring to a local river.

5 SESSION 4 - WEBSITE

This session was chaired by Nomzamo Dlamini (Save the Children Swaziland).

5.1 Launch of the website of the Regional Network – Samantha Waterhouse

Sam reported that the website was now finalised, and had gone “live”. It can be found at www.rapcan.org.za – then click on “Regional Network on Corporal Punishment – Southern Africa” under the “Websites hosted by us” link on the left of the page.

This presentation focused on the website’s logo and colour, the links to member sites, the links to the page from member sites, the “contact us” function, using the site to build the support base for the Network, and updating and maintaining the site.

5.2 Discussion on this session

Additional resources to be added to the website included:

- Sections of reports dealing with corporal punishment;
- Reports or information on child participation related to advocacy on the issue, including support and lessons learned. It was suggested that a toolkit might exist somewhere which could be useful.
- Information about political champions who are authorities in the region.
- Sharing PowerPoint presentations and other resources that network members have developed.
- A link to legal experts The Letter to the Zambian Child noted in the country report-back from Zambia (see 2.2 above).
- Article 19
- The South African Human Rights Commission Parliamentary Newsletter.

With regard to using the website to build the network, it was suggested that an interactive component be available on the website, including blogs on hot topics. The possibility of linking to the discussion forum on the Parenting in Africa website of was also suggested, as was a proposal to have specific discussions linked to particular dates and events, and a possible Facebook page.

These suggestions raised the issue of who would be responsible for updating and monitoring the information coming in - blogs can be problematic due to the information that can be posted – and whether the network has the capacity to undertake these activities. Sam will follow up on costs of these functionalities.

It was also agreed that Regional Network members will include the website address on press released and other public documents, and provide the information that the organisation is a member of the Regional Network.

Finally, there was discussion on using the green ribbon to symbolise protecting children against violence, and a suggestion that this information be added to the website.

6 SESSION 5 – GLOBAL DEVELOPMENTS

This session was chaired by Tebatso Hule (Child Rights Alliance For Tomorrow [CRAFT]).

6.1 Report back on the Global Workshop – Nomzamo Dlamini

This global meeting was held in Bangkok in May 2008; Save the Children Sweden supported the attendance of the members from Southern Africa. The purpose of the meeting was to build knowledge and skills on working toward the abolition of corporal punishment, to achieve legal reform, and to build capacity to undertake legal advocacy. The social and cultural dimensions were taken into consideration in terms of the different pace of legal reform for different countries.

Activities included participants meeting in country groups to develop strategies, and training by Joan Durrant on using the manual she developed. There was an opportunity to review what is regarded as progress in terms of refining legislation; however analysis of this shows that there are provisions that contradict each other.

Participants from Southern Africa discussed their different social landscapes, and whether we should be looking for political champions at SADC level. There were some concerns that the dynamics in the SADC leadership could undermine our efforts.

6.2 Discussion

There was discussion on taking the issue of political champions forward, by approaching Graça Machel, Archbishop Emeritus Desmond Tutu and sports players to act as champions for the issue. It was agreed that the challenge is to find an entry point to ensure we get the right person. Both Graça Machel and Archbishop Tutu have great credibility in the region, but accessing them is difficult. It was agreed that **Paula would try to assist with accessing Graça Machel, while Carol would do so in relation to Archbishop Tutu.**

6.3 Update on global developments – Daksha Kassin

In this presentation, global pressure to prohibit was summarised, and the current status of full prohibition was presented. Twenty-four countries have legislation prohibiting all forms of corporal punishment in all settings, with New Zealand being the first English-speaking country to implement such a law. In two countries (Italy and Nepal) court rulings have either prohibited corporal punishment in the home or removed the legal defence of reasonable chastisement, but this has not been confirmed in their law. At least 23 countries have committed to full prohibition, or are debating new laws which will achieve the ban in the private sphere, or are contemplating court actions to challenge the practice.

The presentation summarised strategies and approaches used (from prohibition in the public life of a child, to removal of the defence, to court decisions and explicit prohibition).

In 107 countries, corporal punishment is prohibited in schools, while it is still allowed in 90 states. A larger number of countries (149) have abolished corporal punishment as a judicial sentence, but 159 countries still allow it in alternative care settings.

The situation in Africa is that no African country has prohibited corporal punishment in the home, although South Africa came close and would have been the first in Africa), less than half (approximately 22 countries) have prohibited it in schools, and it is allowed in most alternative care settings. A higher number of countries has

abolished it as a sentence (with approximately 14 countries still allowing it as a judicial sentence).

The presentation considered various recent activities in relation to advocacy for prohibition, including the submission to the African Committee of Experts by the Regional Network in November 2008, attempts at litigation (including the Canadian attempt and that being launched in South Africa by the Working Group on Positive Discipline), and recent global developments in support of prohibition (including the recent Issue Paper of the European Union Commissioner for Human Rights, the Council of Europe's "*Raise Your Hand Against Smacking*" campaign in Croatia, various national campaigns for law reform, and the global campaign of Plan International "*Learn without fear*", the Global meeting in Bangkok (see 6.1 above), and various Court judgments.

Resources which have been developed include the Global Initiative's guide "*Prohibiting CP of children: A guide to legal reform and other measures*", and the Churches Network for Non-violence publication "*Respecting Children: A handbook on growing up without violence*."

6.4 Discussion

With regard to the legal challenge being implemented by the South African Working Group on Positive Discipline and the involvement of a young person in the application, it was agreed that support to the child's father in this application is essential to ensure that we do not take a punitive approach. While this particular case will be addressed further in the South African WGPD, this principle should also be held in the Regional Network.

The participants stressed the need to analyse the political climate when choosing the approach to prohibition - it may be that in certain settings, it is best to take a staggered approach to prohibition.

7 SESSION 6 – REGIONAL DEVELOPMENTS

This session was chaired by Ulrika Sonneson (Save the Children Sweden).

7.1 Report-back on the submission to the ACERWC – Emily Ruhukwa

This presentation described the task at hand as obtaining support and a written statement favouring prohibition from the African Committee of Experts on the Rights and Welfare of the Child for prohibition of all corporal punishment in all settings. To this end, a submission was prepared by the Regional Network, and Committee members and key staff of the Committee were furnished with:

- The submission,
- copies of General Comment number 8 from the UN Committee on the Rights of the Child,
- copies of the All Africa Special report on Violence against Children, and
- the African Child Policy Forum's Declaration on Violence against Girls.

Representatives of the Regional Network were invited to make an oral submission at the AFERWC's November 2008 session in Addis Ababa.

Before the oral submission was made, a press release was prepared through Save the Children Sweden, to be released on the Monday following the oral submission. A pre-meeting with other non-governmental organisations in support of the submission was held to establish how the presentation should be executed. This was well received and acted as a catalyst for the establishment of a civil society body to engage with the ACERWC.

The submission included information on its initiators of submission and the supporting organisations, reference to the relevant provisions of the African Charter, reference to provisions of international human rights instruments, global and continental developments in area of violence against children (such as UN Global Study on Violence against Children released in October 2006 and African Declaration on Violence against Girls), and looked at global progress towards the prohibition of corporal punishment, comparing international trends to those on the African continent. Attention was drawn to studies of violence against children carried out in 16 African countries, with emphasis on the actual verbatim comments from some of the children. The submission stressed that, even though domestic laws try to categorise acceptable and unacceptable levels of violence against children, the reality is that adults do not always use moderate or reasonable forms of physical punishment.

The merits of the social and cultural arguments used by proponents of corporal punishment were unpacked, and the submission put forward the view that corporal punishment teaches children that it is acceptable to resolve conflicts with violence, and undermines a child's self confidence, which may result in anti-social and delinquent behaviour. The religious arguments used in support of the practice were also addressed.

The submission concluded with a series of recommendations for the ACERWC to consider, including the adoption of a written statement urging prohibition, initiating activities related to monitoring the situation in individual states, and support for the recommendation from the Africa Declaration on Violence against Girls for the African Union to establish a Special Envoy on Violence against Children.

There was acknowledgement from the ACERWC that the psychological effects of corporal punishment should be considered when looking at the issue; however, the ACERWC also stated that, since Africa is primarily rural, from a practical standpoint, there is a need to ensure that corporal punishment is administered with humanity. It was agreed that there is a need for education on the effects of corporal punishment. ACERWC members suggested that there is a need for advocates to connect with parents, care-givers and teachers to provide them with solutions and the guidelines for how to approach discipline of children.

The ACERWC agreed to develop guidelines on positive discipline to be issued to all state parties, and that further communication would be made to all parties urging them to prohibit corporal punishment of children.

The experience of the Regional Network members who made the submission to the ACERWC was that there are a number of issues on which the ACERWC has yet to make pronouncements and, given the limitations they have in terms of administrative support and resources, there could well be opportunities to influence their opinions. The resource constraints faced by the ACERWC are of concern, as is the level of expertise in children's issues on the Committee. There is a need to lobby

though individual members of the Committee in order to more effectively push forward our mandate as a network.

A follow up meeting of the ACERWC was held in April, and a further one is scheduled for November 2009. Corporal punishment was not discussed at the April meeting. It was noted that there is a difference of views of ACERWC members, and that there has not been a formal commitment to write to member states about the issue. We need to engage with the committee to establish how to take this forward. The chair of the committee is responsible for issues of violence against children. It is unclear if there are funds for the November meeting.

7.2 Discussion

During the discussion, it was raised that, at the ANPPCAN Conference, it had been pointed out that appointments to the ACERWC (and other similar Committees) are often political, and the appointees do not necessarily have expertise in children's rights. It was agreed that it is important to establish who the Committee members are and how we can engage with it. Engagement with the NGO Advisory Council is also advised.

Regional Network members who made the submission to the ACERWC noted that, after the submission was made, there were closed sessions; the Draft Report that was presented at the closing session included some of the issues discussed in closed sessions. In one of the versions of this Report, the decision to take the matter forward with member states was recorded – but only after the ACERWC has developed guidelines on positive parenting.

It was agreed that the Regional Network would develop Guidelines for a potential ACERWC communication to member states on the issue of corporal punishment. **Joan, Sam/Carol, Judith, Nomzamo, Ismail and Berta will be** involved with this. It was agreed that this should be a relatively compact document and that communication with the Chair of the ACERWC is needed before starting to work on it. **Ulrika would follow up with Åsa Rapp Baro** regarding strategy ahead of the development of the document. From there, we would need to establish how to approach the dialogue with the Chair – it was suggested that our approach should be related to offering support, and that we are working on a document which we would like to share with them if they would find this useful. The time-frame for this is until November 2009, when the ACERWC is due to meet again. It was noted that a similar meeting to the present Regional Network one is being held in East Africa in two weeks time – we need to feed our actions into that meeting. **Ulrika, Sam, Daksha, Judith, Emily, Tebatso, Deirdre will** assist with this.

7.3 Civil society support to the ACERWC

7.3.1 NGO structures and alliances to support the African Committee of Experts – Judith Mulenga

This presentation provided feedback from a meeting of civil society organisations held in Addis Ababa during the November 2008 meeting of the ACERWC. Edmond Foly from the Institute for Human Rights and Democracy called the meeting to consider ways of supporting the ACERWC. It was noted that the ACERWC is weak due to being placed underneath the AU Department of Social Affairs, without having a separate budget. There is no formal civil society engagement with the ACERWC. By contrast, the African Commission on Human and Peoples Rights; this is based in

the Gambia, and forms part of the strong AU Department of Political Affairs. The Commission has an independent budget and its own secretariat. In addition, there is a dynamic NGO forum working with it.

It is essential that the ACERWC be strong as it is crucial for the development of an Africa fit for children's lives, survival and development. It has the mandate to promote and protect children's rights and welfare in Africa, interpreting the provisions of the ACRWC and monitoring the obligations of State parties. It is also mandated to respond to individual complaints – one of the key elements distinguishing the ACRWC from the CRC; it is of concern that the individual complaints mechanism has not yet been implemented.

CSOs can assist the ACERWC to be more visible and effective. This collaboration with the ACERWC would also strengthen our ability to hold our own governments accountable, and provide a platform for networking and advocacy. It was agreed that a structured NGO Forum would be established; this forum would need to hold meetings prior to the meetings of the ACERWC. It was also suggested that the ACERWC should consider being hosted a different country. The first meeting of the NGO Forum was held in April 2009.

7.3.2 NGO structures and alliances to support the African Committee of Experts – Samantha Waterhouse

This presentation focused on three different civil society initiatives which could provide support to the ACERWC - the Child Focused Civil Society Forum, the Pan-African Network of Organisations for the Rights of the Child (PANORC) and the Africa-Wide Movement for Children (AWMC).



PANORC was started in 2006 by organisations funded by the Save the Children Alliance. One of its objectives was to build the capacity of members to engage with the African Union, in particular, to support the African Committee of Experts on the Rights & Welfare of the Child, and to engage with regional bodies. Membership is open to any NGO, CBO or FBO upon acceptance of the MOU, and child-led organisations shall be encouraged to join and participate in the network. Leadership is vested in representatives from Central, East, North, Southern and West Africa, in the four primary African languages (Arabic, English, French and Portuguese).

The current status of PANORC is unclear; the leadership met in May 2008, and made the decision to continue with PANORC, linking it to the Africa-Wide Movement. An MOU was developed and Action Plan drafted, but there has been no movement since the coordinator left his post later in 2008.

The **AWMC** was initiated in a meeting of 100 organisations in May 2006. A Steering Committee was appointed and undertook activities which facilitated the formal establishment of the AWMC in May 2008. The African Child Policy Forum functions

as the Secretariat, and the AWMC defines itself as an association of institutions and individuals focused on children's rights and wellbeing in Africa.

The AWMC objectives are linked to the promotion and protection of the best interests of the child and it employs a range of strategies including building the Alliance, information gathering and dissemination, campaigning and advocacy, accountability through recognition and child participation. Currently, planned projects are as follows:

- ACERW Consultative Forum
- Law and policy reform and litigation
- Pan-African Children's Parliament
- Pan-African Child Forum

A Coordinator has been appointed, and is based at the African Child Policy Forum in Addis Ababa - Remember Miamingi, miamingi@africanchildforum.org.

The ***Child Focused Civil Society Forum on and around the ACERWC*** was established after the meeting reported on in 7.3.1 above, by the African Child Policy Forum, the Africa-Wide Movement for Children, ANPPCAN, Plan International, Save the Children and the Department of Social Affairs AU. The first meeting was held in April 2009, linked to the ACERWC schedule. Currently, the focus of the Forum is mobilising around country reports in specific countries, and general discussion on issues regarding the legal framework and jurisprudence in Africa linked to children.

7.4 Discussion

It was noted that at times there is an overwhelming amount of information, and it was suggested that a page be added to the website to describe the various networks and forums and how we link up to these.

With regard to the issue of the child rights movement linking to the ACERWC, it was noted that it may not be the best strategy to address corporal punishment with the ACERWC at this time as it is finding its feet; however the ACERWC still has a responsibility to children in terms of children's rights, and the creation of the NGO Forum is an opportunity – Ulrika will follow up with colleagues about this.

It was recommended that the Regional Network engages with the Chair of the ACERWC and lobbies individual members. A document providing guidelines to the ACERWC should be prepared, and organisations should apply for observer status. Child Helplines International, Ditswanelo, the University of the Western Cape, and Save the Children are currently seeking observer status. A mapping exercise to establish which networks are available at AU and SADC level would ensure synergy. We should be prepared to work with the ACERWC in future.

Networks with which to make connections include the ACERWC itself, the African Commission on Human and Peoples Rights, the NGO Forum, the AWMC, PANORC, and the Pan-African Parenting Project. It was also agreed to engage the East African meeting.

8 SESSION 7 – STRENGTHENING ENGAGEMENT WITH THE FAITH-BASED SECTOR

This session was chaired by Joan van Niekerk (Childline South Africa).

8.1 Report-back on the All African Conference of Churches – Keith Vermeulen

Keith reported back on the Regional Network presentation at the All Africa Conference of Churches in Maputo in December 2008. The Network was represented by Keith Vermeulen and Carol Bower. The presentation was themed "*Resolving tensions between children's rights and theology in Africa*", and drew links between human rights and faith, as well as highlighting the mechanisms available for the enforcement of rights. It urged clarification of the contentious nature of the church's relationship with human rights; and it explored the relationship between promoting a human and child rights culture and theologies, and the role of the faith-based sector in this process.

The presentation ended with a proposal to the AACC that it commission an audit of child vulnerability in five countries, examining the causes, and strategies for reducing risk and building resilience. The audit report should be presented at the next AACC General Assembly in 2013.

8.2 Opportunities for engaging the faith-based sector in the region and on the continent Alines Mumba

This presentation recorded the process that ZINGO embarked on in its engagement with the faith-based sector, from 2006 and the development of the *Letter to the Zambian Child*.

Initially, the engagement was challenging - the rights-based approach to development, especially child rights programming, meant a paradigm shift for the religious leaders; issues related to discipline of children were also difficult for the religious leaders to deal with initially.

ZINGO has learned a number of important lessons for engaging the faith-based sector, including the importance of regular communication, ensuring a sense of ownership, and an appeal to their sense of moral obligation especially with regard to children's rights.

It is important to work with the faith-based sector because it is, in general, reliable and trust-worthy; the sector has the potential to reach the poorest at the grass roots, and can be found even in the most inaccessible areas. The faith-based sector is sustainable and is characterised by passion and motivation.

Areas of engagement have included, advocacy, service delivery, and research and documentation of best practice.

Challenges include the "trickle down" effect is not always guaranteed and that a non-threatening approach should be taken - the process of religious leaders buying into the cause of child rights and non-violent discipline can be a delicate and slow one.

Opportunities for the Regional Network included that:

- The FB institutions are always willing to work with civil society on child rights and preserving children's dignity
- Regional religious bodies that are open to working on children's rights are a great entry point for members – the World Conference of Religions for Peace, the Africa Council of Religious Leaders, and the All Africa Conference of Churches are all such entry points.

8.3 Discussion

The status of the Resolution following the All Africa Conference of Churches is unclear – **Keith will** follow up on this.

It is often difficult to find the entry point for engaging with the religious community. A good strategy is to link up with local Council of Churches in different countries. It is also useful to identify rights-based religious organisations in member countries - note is made of the Mennonites and the Quakers. It is necessary to engage on an interfaith basis.

Links need to be made to the role of religion in promoting violence. The work of Lloyd de Mause is useful here – he did research on the history of violence against children and includes links to early religious teaching. We need to find ways of strengthening our voices when taking on the broader issues that promote violence generally, in the context of powerful militant approaches to discipline.

An example of successful engagement with religious leaders in Mozambique was cited, where suspected trafficking of children was addressed by constructive and non-accusatory engagement with the Muslim community on the protection of children. It was felt that discussion of harmful practices should be left until people were "on board" and discussing the issues amongst themselves, but was noted that Moslem schools do still practice corporal punishment.

For the Regional Network, actions were identified which could take the engagement with the faith-based sector forward. These included concrete steps to follow up on the AACC resolution, and to determine how we can work with the Resolutions in the future.

On the issue of not losing momentum, it was suggested that different organisations seeking to engage the religious sector should look at how to work with the faith based sector in individual countries and with networks that exist at local level. While there was agreement that, in order to get changes in the lives of individuals, there is a need to work at local level; however, it is also important to locate the role of the Regional Network at the initiation of national level activities and the engagement at a regional level with joint voices. It was noted that it is very powerful to have African or regional endorsement for the issue.

In terms of taking forward engagement with international religious bodies, it was agreed that there should be a connection between the Regional Network and the Churches Network for Non-Violence. It would also be useful to have available a short pamphlet on a range of faith based support for positive discipline, such as the one developed by the SACC.

Keith drew attention to the Day of Prayer for the African Child linked to 16th June 2009.

9 SESSION 8 - CONCLUDING

This session was chaired by Samantha Waterhouse (Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN)).

9.1 Article 19 Editorial Board – Daksha Kassan

The presentation provided information on Article 19, a lay publication dedicated to the issue of corporal punishment of children, in production since 2005.

The purpose of the publication, the content of the 10 editions which have been issued to date, and the target audience were described. The role of the Editorial Board and its composition were clarified, and the need for identifying a further member of the Editorial Board was noted. The criteria for this were:

- a person knowledgeable and experienced on issue of corporal punishment;
- English fluency;
- not from South Africa or Zambia;
- responsibilities of Editorial Board members include sourcing articles, commenting on draft editions, submitting written articles, being aware of developments in his/her country and other countries in Africa, and sharing information.

Nominations were then called for, and a secret ballot held. Emily Ruhukwa was selected as the new Editorial Board member.

9.2 Way forward and planning for 2009/10 – facilitated by Samantha Waterhouse

Planning for the next period was pulled together in this session of the meeting. A number of tasks were identified. These are laid out in full, along with who is responsible for carrying out the task, in the table below.

Tasks allocated to various members included the circulation of documents and making contact with high-profile supporters. Support from international organisations for positive parenting and non-violent discipline is to be sought, and linkages between the Regional Network and child-focused civil society networks in Africa facilitated.

Efforts to bring new members into the Regional Network are to be initiated, with efforts directed at Lesotho (Childline Lesotho), Namibia, Angola, Malawi and Zimbabwe. Making regional organisations and networks aware of the Regional Network will assist with increasing membership of the Network and awareness of it. Publicising the web site will also assist with this endeavour. Communication with the NGO Advisory Council and Special Representative to the UN Secretary General (SPSG) on violence against children will be pursued, and congratulations will be communicated to the SRSG. A request will be made to present the Regional Network to the African Regional Child Helplines meeting in Malawi in September.

Resources will be developed, including the translation of certain documents into Portuguese, and a toolkit on child participation. The paper by Lloyd de Mause (The History of Child Abuse) is to be accessed and made available to members. It has relevance for the issue of the role of religion in fostering violence against children. The Position Statement will also be updated.

A strategic meeting for key role-players in the region will be hosted by the Regional Network in 2009; this will include a Discussion Paper on the pros and cons of litigation.

A media strategy, including monitoring, capacity building and press releases, is to be developed by the Regional Network.

Following the November 2008 meeting with the ACERWC, engagement with the Chair will be sought, and a parenting skills document will be developed for the ACERWC. A simple interfaith document on corporal punishment using existing materials is to be developed also.

Following the AACC meeting in December 2008, the status of the AACC resolution will be followed up on, and engagement with national FBOs will be pursued. Liaison between the Mozambique Christian Council Women's Department and other Women's Departments in the Region on corporal punishment is to be facilitated. There should be ongoing engagement with the AACC Secretariat, and the Fellowship of Christian Councils in Southern Africa.



The next meeting will take place in Pretoria in mid-February 2010.

TABLE OF TASKS AND THOSE RESPONSIBLE

Task	Who	Time-line
Circulate ACPF child-friendly documents	Sam	ASAP
Circulate ZCEA teacher training materials	Judith	ASAP
Circulate SAHRC Policy on corporal punishment	Tasneem	ASAP
Circulate presentations on corporal punishment made by members	All	Ongoing
Contact Graça Machel	Paula/Berta with support from Sam	ASAP
Contact Desmond Tutu via the Desmond Tutu Foundation	Keith	ASAP
Utilise opportunities to bring role-models on board (e.g. Idols)	All	When they arise
Host a strategic meeting for key role-players in the region, and include a document on the pros and cons of litigation	Daksha – with support from Joan, Emily, Ulrika, Judith and Tasneem	No decision
Develop or pull together a toolkit on child participation	Joan – with support from Deidre, Carol, Sam, Ismail and Nomzamo	No decision
Follow up with ISPCAN for support	Joan	By end June
Follow up with International Council of Child Welfare for support	Carol	By end June
Follow up with Child Helplines International for support	Joan	By end June
Follow up with Parenting Sub-Group in SADC	Emily	By end June
Link the Regional Network with the regional ANPPCAN office (Phyllista Onyango) and the Kenyan chapter (Wambui Njuguna)	Carol	By end June
Follow up with NGO Advisory Council on UNVAC/SRSG, and send a letter of congratulations to the Special Representative	Joan	By end June
Engage the Chair of the ACERWC to follow up on the November 2008 meeting	Ulrika, Sam, Daksha, Judith, Emily, Tebatso, Carol	
Develop a parenting skills document for the ACERWC	Keith	ASAP
Follow up on status of the AACC resolution	All	Ongoing
Engage with national FBOs	Carol	ASAP
Access Lloyd de Mause – The History of Child Abuse		
Facilitate liaison between the Mozambique Christian Council Women’s Department and other Women’s Departments in the Region on corporal punishment	Berta	
Translate the AACC Resolution into Portuguese	Keith	

Translate SACC document into Portuguese	SCS	
Translate Chis Dodd's documents into Portuguese	SCS	
Develop a simple interfaith document on corporal punishment using existing materials	Aliness, Berta and Keith	
Engagement with international/regional religious bodies		
Engagement with the AACC Secretariat, and the Fellowship of Christian Councils in Southern Africa	Aliness, Keith, Berta, SCS, Sam, and Ismail	
Profile the website – will also bring new members in	Daksha and Tasneem	
Bring on board new members from Lesotho (Childline Lesotho), Namibia, Angola, Malawi and Zimbabwe	Ulrika	
Update the Network's Position Statement	Sam	
Present on the Regional Network at the African Regional Child Helplines meeting in Malawi in September	Joan	September 2009
Develop a media strategy (monitoring, capacity building and press releases, logo etc.)	Aliness, Sam, Tapiwa (SCS), Tebatso, and Media Monitoring Africa	
Dates of next meeting	All to note	16-17 February 2010, Pretoria

APPENDIX 1 - PARTICIPANTS

Organisation	Name	Tel. No.	Fax No.	Cell No.	Email
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APPENDIX 2 - PRESENTATIONS

1 Presentation by Samantha Waterhouse - introductory

Objectives of the Meeting

- Information sharing
- Support for National initiatives
- Discussion of developments in the region and on the continent
- Strengthening access to networks and resources on parenting
- Discussion on way forward with ACERWC
- Strengthening engagement with the Faith Based Sector
- Identifying further advocacy activities for 2009/10

Approach to the meeting

- All responsible for robust discussion
- Identify projects and tasks going forward as we proceed (not limited to the final session)
- Be specific about persons/teams responsible and timeframes

2 Presentation by Emily Ruhukwa

Botswana Country Report

What has been accomplished?

- Lobbying and advocacy on issues of abolition of corporal punishment to Government
- Establishment of group of advocates on corporal punishment (Childline Botswana, Craft, Stepping Stones, some teachers in both private & government schools)
- Involvement of the Botswana Federation of Secondary School Teachers Union members
- Increase in the number of paralegal clients reporting cases of corporal punishment because of media coverage of case
- Workshops on positive parenting helped to raise awareness on issues of positive discipline
- Inclusion of existence of cp in all settings in Universal Periodic Report

Challenges faced

- Parliament passed the Children's Act in March of this year. Whilst the Act seeks to promote the rights and wellbeing of children, families and communities the provisions on abolishing corporal punishment were dropped
- The legal opinion advanced in case we had hoped to take to court points to absence of causal link between the beatings received and the medical condition of the client

Where to from here?

- Opportunities to continue advocacy and lobbying as we have been invited to join Committee on drafting of the implementation plan of the Children's Act
- UNCRC and ACRWC shadow reports-inclusion of issue
- Though the child rights clubs in schools aimed at promoting understanding of CRC and ACRWC by children will highlight the issues of corporal punishment

Network members support

- Materials (posters, pamphlets, articles)
- Resource persons

3 Presentation by Ismail Bawamia

Mauritius Country Report

While noting that corporal punishment is prohibited in schools through the Education Regulations of 1957, the Committee remains concerned that corporal punishment is not explicitly forbidden by law in the family and in all settings, including in alternative care settings.

The Committee reiterates its previous concluding observations (CRC/C/15/Add.64, para. 31) and urges the State party to prohibit through legislation and other measures corporal punishment of children in the family, schools, penal institutions and in alternative care settings. The Committee further recommends that the State party conduct awareness raising campaigns among adults and children, the promotion of non-violent, positive participatory methods of childrearing and education. UNCRC – Concluding Observations on Mauritius (2006)

April 2008 – April 2009

1. During the past year, unfortunately we had cases of corporal punishment which lead to severe injury, brain damage and death of the victims. People were shocked to read in the newspapers about such atrocities perpetrated to children, specially those of a very young age. There are more and more neighbours, teachers, relatives and other significant persons who are alerting the Child Development Unit of the Ministry of Women's Rights, child Development and Family Welfare or the Ombudsperson for Children's Office about cases where children are victims of violence.
2. The Government has agreed to prepare a Children's Act in which the issue of corporal punishment will be dealt. A consultant will be recruited for that task.
3. The Ombudsperson for Children and her officers sensitized the following on the harm that Corporal Punishment causes to children and on positive discipline
 - 90 School Inspectors (Primary and Secondary)
 - 11 Educational Psychologists
 - 400 Heads of school (Primary and secondary)
 - 300 Pre-primary school supervisors and teachers
 - Educational social workers
 - NGO leaders

- Primary school teachers of Rodrigues Island
 - Upper Secondary students
 - Members of the Judiciary (Barristers, Magistrates and State Counsels)
 - Doctors of 1 main Regional Health Centre
 - Members of the Rotary Clubs of the island and
 - Parents
4. The Ombudsperson for Children and her officers also participated in TV and radio shows on the Corporal Punishment at school. This issue was much in the news during the months of May and June 2008 when a pupil recorded on his mobile phone a scene showing a teacher hitting a child in front of the class. The teacher was suspended.
 5. The Ombudsperson for Children set up a multisectoral committee to monitor compliance to the CRC by all stakeholders. One of the issues which will be monitored is Corporal Punishment in all settings. The Compliance Committee comprises of representatives from different Ministries and Government departments.
 6. The Ombudsperson for Children also had meetings with the Trade Union Leaders representing teachers of all sectors. As violence at school is increasing, it was not easy to convince them to give up Corporal Punishment. They feel that they are the victims of violence at school. The Ombudsperson for Children is discussing with the Mauritius Institute of Education to include a module on Positive Discipline in the teacher training curriculum.
 7. The Ombudsperson for Children is finalizing the action plan of Prevention of Violence Against Children which will be handed to the Ministry of Women's Rights, Child Development and Family welfare as and leading Ministry and to other Ministries for implementation. Several actions will be proposed to end Corporal Punishment in all settings and to promote positive discipline.

Future actions

1. Implementation of the Kit on Violence at School in all schools.
2. Training of Trainers in Positive Discipline.
3. Publication of educational materials on Positive Discipline for Upper Primary School Children.
4. Collaborate in the drafting of the Children's Act.
5. Increase the participation of children in awareness campaigns to end corporal punishment and promote positive discipline.

4 Presentation by Berta Fumo

Mozambique Country Report

The Mozambican general legal context

- The constitution of Mozambique prohibits all forms of torture.
- There is still a legal reform movement towards the abolition of corporal punishment, despite the fact that there are 3 laws that have just been approved that all together enhance the efforts for child protection and child rights.

- The Law about the Child in Conflict with the Law establishes the prohibition of corporal punishment in prisons.
- The Regulation by the Ministry of Education prohibits corporal punishment in the schools and establishes disciplinary sanctions.
- The National Organization of Teachers approved a Code of Conduct which is against corporal punishment in the education institutions.
- In a new basic Law recently approved there is a clear policy of assistance to victims of negligence, punishment, exploitation and abuse in the assistance institutions.

Intervention areas

- Family/community level
- Schools
- Corporal Punishment and Parenting skills
- Penal System: advocacy work

Home based activities: Family and community level

- Three Uca Mwana Clubs (Uca Mwana means Wake up Child) in 6 high density districts and localities (Ressano, Moamba, Boane, Matola, Mahlazine and Maxaquene).
- The Boane district, for example, involves 4 schools and 8 communities with a total of about 3000 children from 6 to 16 years.
- Work is done with family based committees involving children themselves, parents, teachers and local leaders, with the task of providing assistance to children of about 40 to 50 family groupings in each locality. (Pressure Groups)
- The committees verify the behavior of the children in families and schools and report to the Wuka Mwana District Centre. Depending on the nature of the case, it reported to the hospital, police, legal prosecutor and to providers of psycho-social assistance (still very weak)

Work in Schools

- Plan International launched a campaign named School Without Fear. The principal objective was to build an environment where children can go to school with safety and hope to have a quality education without fear and threat of violence.
- The campaign was launched at national level under the leadership of Rede CAME, involving the Provincial Departments of Education and Culture and Social Welfare. The ceremony was in Inhambane Province, South of Mozambique.
- It is a program for the period 2008 to 2011.
- Building awareness on the Rights of Children focusing on corporal punishment as one of the forms of child abuse. This activity was done on June 16, where more than 500 children participated.
- 17 cases of abuse (sexual abuse, traffic and child corporal punishment) were reported by civil society organizations that came together to put pressure on legal authorities.

Corporal Punishment and Parenting skills

- 3 seminars involving children and adults and activists of Wuka Mwana from the 6 districts and localities about positive disciplines and good parenting skills. About 50 children and 75 adults participated.
- Adults – OMM (National Women Organization) seminars on Good Parenting and Corporal punishment
- About 60 adults, teachers, activists, mothers and local leaders participated

- Allocation of more resources to improve intervention and communication at all levels.
- More and more advocacy program to build an environment where there is more respect for child rights and less neglect and abuse.

The Penal System

- Civil Society Organization submitted a joint report on concrete cases of child abuse as a way to solicit a dialogue session with the General Prosecutor to demand the need to implement de Charter on Child Rights.
- Establishment of an Advocacy Group to demand for a specific legal framework to enhance child rights and fight against domestic violence, involving CS organizations, Save the Children and UNICEF.

Challenges

- Legal reform, reinforcing the regulation by the Ministry of Education on the prohibition of corporal punishment in schools.
- Approval of the Law Against Domestic Violence
- Propose and advocate for the review and approval of the Teacher Code of Conduct to prevent girls sexual harassment and child corporal punishment in schools, as a legal instrument for criminal prosecution.
- Need to undertake a study about the concept of corporal punishment vis a vis traditional habits and practices (Study will be done between June and August 2009).
- Establishment of a data base on corporal punishment.
- Advocacy for the approval of a corporal punishment prohibition Law.

Alternative Care and Way Forward

- Family based advocacy work on the consequences of corporal punishment.
- Use of existing weak legal instrument to punish the practice of corporal punishment that occur in the Mozambican society
- Advocate for the use of the helpline speak child to report cases of abuse that need assistance
- More technical assistance and capacity building of clubs that operate at community and district level.

5 Presentation by Samantha Waterhouse

South Africa Country Update **Efforts of the Working Group on Positive Discipline**

Status

- As previously reported, SA Children's legislation does not explicitly prohibit corporal punishment
- It provides for broad scale parent education regarding appropriate discipline

Department of Education

- Advocacy to popularise and develop positive discipline in the classroom
- Promoting a whole-school management centered approach which takes into account:
 - school codes of conduct for learners and teachers
 - Learner and teacher discipline

- Positive discipline techniques
- Successes and lessons learnt with Education in the region will be valuable.
- Parenting education in school curriculum
- To promote positive parenting amongst young adolescents
- To contribute towards pregnancy prevention initiatives
- Development of curriculum
- Obtaining information on any similar initiatives in the region would be very helpful.

Department of Social Development

- They are in the process developing their parenting curriculum at present
- We have not had access to this draft document

Litigation

- Constitutional challenge to the common law defence to parents of 'moderate and reasonable chastisement'.
- Preparation for the case by collective – led by child law experts
- Based on sound legal opinion – cautious and comprehensive approach due to the long term impact of failure.
 - General Comment 8 considered a strength in light of other negative judgments on the issue
- Working with committed legal counsel who believe in the issue
- Diversity of applicants
 - SA Human Rights Commission 1st applicant
 - Childline SA/RAPCAN
 - An individual child (child protection issues taken into account)
- SACC hopefully as Amicus to show positive religious view.
- Expert Opinion sought to explain the negative impact of CP ('moderate') on children and society, links between 'moderate' cp and 'child abuse'.
- Include research on Children's views; impact of prohibition in countries that have done so; effects of corporal punishment.
- Seeking a more South Africa/African approach to research
- Aim to launch in the High Court in June 09
- Will undertake advocacy with respondents (Justice and Social Development)
- Will take a prepared but reactive approach to media.
- Do not want to alert the public to the case and seek to avoid public attention to the matter for as long as possible.
- Any regional resources and support valuable.

Alliance Building and Information Sharing

- Developed the website for the national Working Group
- Newsletters were circulated and will continue to do so
- New members have officially come on board

6 Presentation by Nomzamo Dlamini

Update on Progress towards ending Corporal Punishment in Swaziland

Progress to date:

- Now the Draft bill is in place and awaiting tabling before Cabinet - is called Child Protection and Welfare Draft Bill

- Lobbied government to ratify ACRWC through Children's Consortium in 2 print media houses (i.e. Times of Swaziland and Swaziland Observer)
- Have continued to establish new child protection committees in the Tinkhundla we are working in, and conducted trainings on rights and protection of children
- Conducted a snap survey on corporal punishment to create basis for our initiative in promoting positive discipline in 60 schools (Prevalence of Corporal Punishment and other forms of Humiliating Punishment on Children in Swaziland 2008 (being finalized)
- Conducted a principal's workshop for 20 primary schools 15-17/12/08 and we are in the process of continuing
- Conducted a Positive Parenting piloting sessions in prep for our regional manual led by Linali consulting and Childline SA in four constituencies (8 schools and 4 chiefdoms for parents)
- Conducted a session on positive discipline to completing students at UNISWA – Agric education department
- Held a session with child protection staff within save the Children on Positive Discipline as an add on (using Joan Durrant's presentation
- Lobbied government to ratify ACRWC through Children's Consortium (2 print media)
- Held live talk shows in both TV stations of the country ie. Swazi TV and Channel S on children's right to Education and positive discipline
- With the new parliament, we have already engaged them on children's rights issues and positive discipline in 2 sessions

Way forward

- Have strategies to target certain groups to consult when the draft bill is open for public debate
- Will inquire further to partners within experienced on how to work with training colleges to include Pd in their curriculum.
- Positive Parenting dialogues have been very interesting – there is a need to concretize the efforts of further engagements as parents involved in the pilot requested.

7 Presentation by Aliness Mumba

Update by ZINGO

Situation Analysis

Children's rights are in many countries still a delicate issue. The environment in which children co-exist with adults does not encourage the recognition and facilitation for children's rights to be respected and upheld. Before analyzing the children's rights and corporal punishment as they pertain to ZINGO's constituencies and areas of mandate, it would be prudent to highlight the issue in relation to the broader environment.

Politically in Zambia, officials that are elected into office will not want change the status for fear of not being re-elected into office. This then perpetuates the problems of child rights not be observed and protected by the various government departments.

Economically, Zambia is not prepared to spend the financial, material and human resources that would be required to ensure that children's rights are protected and corporal punishment is ended. In the 2009 national budget, the main focus was on improving the health and agriculture sectors.

Zambia is a country whose social practices are largely influenced culture. There are many cultural beliefs and practices in Zambia that do not recognize that rights of children, and this has had negative effects on interventions to protect the rights of the child and end corporal punishment. One of the fears expressed by parents and some religious leaders is that children will rise up and become uncontrollable as a result of their rights being upheld.

The Zambian Juveniles Act protects children in institutions such as schools against corporal punishment. However this act does not protect children in homes and care facilities. This then creates tremendous challenges for the fight against corporal punishment as parents can still use violence to discipline their children as long as reasonable force is used. The next challenge that arises is on what reasonable force is and who decides what is reasonable?

The Zambian law needs to be able to protect children in all spheres of life (in the home and outside the home).

Religious beliefs have often formed the basis by which parents use violence to discipline their children. The most commonly quoted verse in the Bible (Christian faith) states that to spare the rod is to spoil the child. In an era where children are seen as being extremely disobedient, religious leaders have continued to urge parents to spank their children for them to be well behaved and obedient.

At national level, the faith mother bodies recognize that violence as a means of discipline speaks against the fundamental of their beliefs. In practice in the local communities, religious leaders continue to preach the message of the use of violence. This transformation of the mind for religious leaders seems to be a very slow process; it seems to be a more difficult process as one goes out into the rural areas of Zambia. ZINGO believes that if eliminating corporal punishment is to be a reality, a lot more efforts, and resources will be required to reach the religious leaders in the local communities who are an entry point into the lives of so many parents, guardians and children.

Updates for 2009

ZINGO has taken deliberate measures to ensure that all ZINGO projects are founded on the **Rights Based Approach** to development particularly Child Rights Programming (CRP). Below is the Tridimensional Approach that helps guide ZINGO's Intervention.

I. Providing Services for Childs Rights

In 2008, ZINGO launched the Parenting project which seeks to directly address the issue of violence against children in the home, by equipping parents and guardians with positive parenting skills. To this effect, ZINGO conducted parent child communication workshops where families were quipped with skills on how to better communicate and deal with issues of discipline. ZINGO is using the parenting project as a vehicle through which the issue of corporal punishment is being advanced in the faith communities. ZINGO is of the view that the family and home setup can be the

most protective or dangerous place for the child, therefore ZINGO would like to ensure that the home is indeed the safest place for any child.

II. Strengthening Communities to support Child Rights

Through the fatherhood project, which is a part of the broader parenthood project, that is supported by Save the Children Sweden, ZINGO has provided the mother bodies with small grants of K4, 000, 000 to hold meetings with religious leaders and men on how children's rights can be protected and how men as parents can protect their children from HIV/AIDS infection

Furthermore, ZINGO continues to use the letter by the religious leaders to the Zambian Child as a reminder of the commitment made and the rights that the Zambian child ought to enjoy

ZINGO recognizes that for there to be effective responses geared towards ending corporal punishment, communities need to be capacitated with skills that will enable them to identify, manage, respond to and document situation of corporal punishment. 141 religious leaders were trained in Advocacy, Mainstreaming, Resource mobilization, Documentation and report writing

III. Advocating for child rights

- ZINGO is in the process of developing an advocacy strategy, which will be adopted by all the seven mother bodies.
- ZINGO has, through the mother bodies embarked on public awareness campaigns to advocate for the child's rights survival and Development, which eliminates any form of use of violence against children.
- ZINGO, through its mother bodies, is lobbying government to uphold the rights of the Zambian child by ensuring that laws that protect the child are enforced. These mother bodies have also taken advantage of both the print and electronic media to carry out their advocacy activities.

Challenges

- There is no clear agreed upon definition of corporal punishment. This creates challenges and misunderstanding for different groups trying to advocate for the elimination of corporal punishment.
- There are still unharmonized pieces of legislation on the issue of corporal punishment in Zambia
- The faith community can be slow in embracing changes that *seem* to be contradictory to their faith beliefs
- The required resources and materials needed for civil society to implement intervention activities on this issues can be enormous
- Lack of government support on the issue contributes to the non conducive environment in which civil society has to operate

8 Presentation by Judith Mulenga

ZCEA REPORT

Tasks set in 2008

- Form a coalition modeled on the South African one.
- Simplify General Comment number 8.
- Develop the Positive Discipline Module with teacher trainers.
- Lobby the repeal of Article 46 of the Juveniles Act and have it replaced with express prohibition against CP.

What has been achieved

- A Zambia Coalition against Corporal Punishment of Zambia has been formed and we met 3 times in 2008 one of which was facilitated by Carol Bower, a key member of the South African coalition.
- A Teacher Trainers Positive Discipline Module modeled on the RAPCAN Positive Discipline Manual was developed.
- Children's legislations comprehensive review has reached a technical stage in Zambia. On CP there are two schools of thought; one to repeal article 46 of the Juveniles Act and replace it with an express prohibition and the other is to just repeal the article and therefore make it unlawful for care givers to use CP on their charges.
- ZCEA conducted focus groups discussions on Positive Discipline.
- Zambia's CRC State Party Report was supposed to be examined early this year, 2009, but Zambia had not submitted its report. This gives CSOs a good chance to present evidence based alternative report even on prevalence of CP.
- Simplified General Comment Number 8.
- Media now recognizes that ZCEA speaks against CP and they call us to react or make statements on issues of CP and other forms of violence against children.

WAY FORWARD

- Development of an advocacy Strategy.
- Publication of the Teacher Trainers' PD Module.
- Develop Zambia specific Fact sheets on CP and PD.
- Engage the newly formed Zambia Parliamentary Caucus Group on Children to bear on the Children's Bill when it reaches parliament.
- Intensify advocacy against CP and promote positive discipline.

9 Presentation by Carol Bower

Review of advocacy process to prohibit parental corporal punishment in South Africa

Advocacy review

- Background
- Objectives
- Process
- Findings
- Strategies used
- Lesson learned
- Recommendations
- Documents (products)

Background

- The Working Group on Positive Discipline (WGPD) came into being as a sub-group of the (much) larger Children's Bill Working group in early 2003
- Initially known as the Sub-Group on Corporal Punishment, it became the WGPD later in the process
- It continued to advocate for the prohibition of corporal punishment of children by their parents until the Children's Act was finally passed at the end of 2007
- Despite many promising indications that the final version of the Act would prohibit corporal punishment in the home, in the end it failed to do so
- The process of the issue of prohibition was controversial in relation to support within the Children's Bill Working Group
- Its status during the development of the Act was also varied
- Thus, the work of the WGPD was by no means over and it has continued to be engaged in a range of activities focused on the promotion of positive parenting and appropriate discipline
- In winding up the work on the Children's Act and the Children's Amendment Act, RAPCAN (the coordinator of the WGPD) committed resources to a "write-up" of the advocacy process linked to the Act and its first Amendment
- The intention was to identify weaknesses and strengths in the campaign in order to inform decisions about taking the issue forward.
- I was contracted by RAPCAN to undertake this review, which commenced in mid-2008.

Objectives

- The passage of the issue of prohibition was a checkered one, with the issue being included, then excluded, then included again at various points in the process
- It was seen as important to track the development and various ways of dealing with the issue, and the manner in which the WGPD responded to the changes, via a review

- This would capture the history of the process, evaluate gains and losses, and assist in determining future strategy

Process

- Perusal of minutes and other WGPD documents
- Telephonic or face-to-face interviews with key civil society and government role-players
- A focus group discussion was facilitated with civil society members of the WGPD
- Analysis of inputs for insights and comments related to 'lessons learned'

Findings

- The Review was divided into the following sections:
 - Introduction
 - The context of corporal punishment in South Africa;
 - The history of the process of the Bill linked to developments within the Working Group
 - Key role-players
 - Strategies used by the Working Group
 - Methodology used for the evaluation
 - Lessons learned
 - Recommendations

Strategies used by the WGPD

- Hosting national meetings and seminars;
- Developing fact sheets and making evidence-based information accessible;
- Interaction with the Department of Social Development;
- Engaging with political and other leaders;
- Capacity building;
- Media;
- Submissions (oral and written);
- Interaction with Parliament, including communication with specific politicians; and
- Expanding the network and capacity-building of local CSOs.

Lessons learned

- Gains
 - Significantly increased awareness
 - The involvement of the faith-based sector
 - Law and policy on prevention of violence against children
 - The time, energy and passion committed by the members of the WGPD
- Losses
 - Actual prohibition
 - Lack of a strong political champion
 - 'Criminalisation' of parents
 - Lack of consistent civil society commitment to prohibition

- Concerns about who was 'driving' the process
- Timing

Recommendations

- Investigate the possibility of a Constitutional Court challenge – but proceed with caution!
- Ongoing advocacy promoting positive parenting and non-violent discipline
- Identify a political champion
- Build media capacity to understand the issues
- Involve and obtain the support of other faiths within the faith-based sector

Documents

- Arising from these activities, two documents have been developed:
 - An evaluation of the process entitled Review of Advocacy Towards the Prohibition of Parental Corporal Punishment undertaken by the Working Group on Positive Discipline
 - A booklet entitled Banning Corporal Punishment – the South African Experience

10 Presentation by Samantha Waterhouse

Overview of Network Activities 2008/09

Achievements

- Very active year for the Network
- Meeting report finalised
- Preparation for and obtaining permission to make submission to the ACERWC
 - Development of the submission and presentation
 - Obtained input and support from 31 organisations across the continent
 - Presentation to the Committee
 - Daksha, Emily, Judith, Ulrika, Keith, Sam and All
 - Obtained good support from ACPF and ANNPCAN
 - Committee agreed to take action on the issue
- Preparation and Planning for All African Conference of Churches
 - Concept document and presentation to the All African Conference of Churches
 - Yussuf, Keith, Carol and all
 - Conference resolution supporting positive discipline
- Document on treaty body reporting processes for relevant countries (Carol)
- Simplified version of General Comment 8 (Judith, Carol, Ismail)
- Website
- A number of other resources circulated and shared, including focus on faith-based change
- ANPPCAN conference included this stream as identified (Carol and Joan)

Challenges

- Media attention to our efforts – press release was not well picked up except in Ethiopia and Botswana
- SADC
- Obtaining general statements of support from key organisations such as ISPCAN (this is balanced by good support out of ACERWC process)
- Using the website and keeping it current
- Following up on the Study on Violence
- International Association of Child Welfare
- Engagement with African Human Rights Institutions (Indian Ocean Child Rights Observatory and Institute for Human Rights in Africa)
- Support vs membership of the network – maintaining a manageable network but ensuring visible official support from a wider base of organisations

11 Presentation by Carol Bower

Treaty bodies and status of country reports

International Treaties

- Process of ratification
- What ratification means
- Status of ratifications
- Status of Country Reports
- Writing Alternate Reports

Process of ratification

- *Signature* – not yet any obligations
- *Ratification* –
 - Domesticate the Treaty / Convention
 - Report regularly to the relevant UN Committee.
- *Accession* – means same as signature and ratification

What ratification means

- Domestication of the Treaty or Convention
 - Include the provisions of the Treaty or Covenant in domestic law
 - Develop policy which supports the implementation of law
 - Monitor the implementation of law and policy
- Report
 - Usually within two years of ratification, and then at five-year intervals
 - Follow a format set by the relevant Committee
 - Act on the Concluding Observations of the relevant Committee

Status of ratifications

- Convention on Civil and Political Rights (CCPR)
 - Botswana - Ratified 2000
 - Lesotho - Acceded 1992

- Mauritius - Acceded 1976
- Mozambique - Unknown
- South Africa - Ratified 1994
- Swaziland - Acceded 2004
- Zambia - Acceded 1984
- Convention on Social, Economic and Cultural Rights (CSECR)
 - Botswana - Unknown
 - Lesotho - Acceded 1992
 - Mauritius - Acceded 1976
 - Mozambique - Acceded 1993
 - South Africa - Ratified 1999
 - Swaziland - Acceded 2004
 - Zambia - Acceded 1984
- Convention on the Status of Persons with Disabilities (CSPD)
 - Botswana - Unknown
 - Lesotho - Acceded 2008
 - Mauritius - Signed 2007
 - Mozambique - Signed 2007
 - South Africa - Ratified 2007
 - Swaziland - Signed September 2007
 - Zambia - Signed 2008
- Convention to End All Forms of Discrimination Against Women (CEDAW)
 - Botswana - Acceded 1996
 - Lesotho - Acceded 1990 (with reservations)
 - Mauritius - Acceded 1984 (with reservations)
 - Mozambique - Acceded 1997
 - South Africa - Acceded 1993
 - Swaziland - Acceded 2004
 - Zambia - Acceded 1980
- Convention on the Rights of the Child (CRC)
 - Botswana - Acceded 1995
 - Lesotho - Acceded 1992
 - Mauritius - Acceded 1990
 - Mozambique - Acceded 1994
 - South Africa - Acceded 1995
 - Swaziland - Acceded 1995
 - Zambia - Acceded 1992
- African Charter on the Rights and Welfare of the Child (ACRWC)
 - Botswana - Ratified 2001
 - Lesotho - Ratified 1999
 - Mauritius - Ratified 1992
 - Mozambique - Ratified 1998
 - South Africa - Ratified 2000
 - Swaziland - Signed 1992
 - Zambia - Ratified 1995
- Optional Protocol (involvement of children in armed conflict)

- Botswana - Ratified 2004
- Lesotho – Ratified 2003
- Mauritius – Signed 2001
- Mozambique - Ratified 2003
- South Africa – Signed 2002
- Swaziland – Not signed
- Zambia – Not signed
- Optional Protocol (sale of children, child prostitution and child pornography)
 - Botswana – Acceded 2003
 - Lesotho – Ratified 2003
 - Mauritius – Signed 2001
 - Mozambique – Acceded 2003
 - South Africa – Acceded 2003
 - Swaziland – Not signed
 - Zambia – Not signed
- Universal Periodical Review (UPR)
 - Botswana - 3rd session, 1 to 12 December 2008
 - Lesotho - 8th session, 2010
 - Mauritius - 4th session, 2009
 - Mozambique - 10th session, 2011
 - South Africa - 1st session, 7 to 18 April 2008
 - Swaziland - 12th session, 2012
 - Zambia - 2nd session, 5 to 19 May 2008
- Membership of the human rights commission
 - Zambia – HRC member in 2008
 - Mauritius - HRC member in 2009
 - South Africa - Member of the HRC in 2010

Status of country reports

- Botswana
 - Second Report to UNCRC was due in 2007
 - Initial Report to the ACERWC was due in 2003
- Lesotho
 - Second Report to UNCRC was due in 2007
 - Initial Report to the ACERWC was due in 2001
- Mauritius
 - Second Report to UNCRC is due in 2009
 - Initial Report to the ACERWC was due in 2001
- Mozambique
 - Second Report to UNCRC was due in 2005, and is due for consideration October 2009
 - Initial Report to the ACERWC was due in 2001
- South Africa
 - Second Report to UNCRC was due in 2002
 - Third Report to UNCRC was due in 2007
 - Combined Report to be presented in 2009

- Initial Report to the ACERWC was due in 2002
- Swaziland
 - Second Report to UNCRC is due in 2009
 - Not yet ratified the ACRWC – no report due
- Zambia
 - Second Report to UNCRC was due in 2004
 - Initial Report to the ACERWC was due in 1997

Writing alternate reports to the UNCRC

- Check your country's past record, including the Committee's Concluding Observations and the last State Party Report from your country at www2.ohchr.org/english/bodies/crc/sessions
- The Alternate Report should follow the same structure as the Country Report and include:
 - General measures of implementation (articles 4, 42 and 44 [6])
 - Definition of 'the child' (article 1)
 - General principles (articles 2, 3, 6 and 12)
 - Civil rights and freedoms (articles 7,8, 13, 14, 15, 16 and 37 [a])
 - Family environment and alternative care (articles 5, 9, 10, 11, 18 [1 – 2], 19, 20, 21, 25, 27 [4] and 39)
 - Basic health and welfare (articles 6 [2], 18 [3], 28, 29, 31)
 - Special protection measures (articles 22, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40)
- State Part (and hence civil society) Reports are expected to report also on the two optional protocols as an integral part of the Report
- Since the publication of the Global Study on Violence Against Children, there is an expectation that civil society will report specifically on violence against children in their Alternate Reports
- This can be done in one of three ways:
 - Focus – comment on and complement government information under articles 19 and 37
 - Mainstream – provide violence-related information under each of the grouping of articles used in writing the Report
 - Target – decide on a specific type of violence

12 Presentation by Joan van Niekerk

Developing materials and resources to support positive parenting and appropriate discipline in Southern Africa

(Note that this presentation was originally made at the ANPPCAN Conference, May 2009, UN Conference Centre, Addis Ababa)

Developing resources to support parenting

- Background
- Objectives
- Process

- Findings
- Detailed findings – youngest children
- Recommendations
- Way forward

Childline services

- National Toll Free Helpline for Children
- Training of volunteers to work on the line and in other services for children
- Therapy centres for abused children and their families
- Court preparation for child witnesses
- Prevention and education programmes in school and community groups
- Training of child protection workers in child protection work
- Rehabilitation programmes for offenders
- Advocacy and networking

Background

- Childline S.A is a member of a network of Southern African organisations working to promote positive parenting and non-violent discipline.
- Partners and Childline S.A. itself have identified the need for materials to support positive parenting and non-violent discipline.
- Childline receives several thousand calls each year concerning the physical abuse of children. Much of this is relating to the use of corporal punishment
- In most instances parents and caretakers do not wish to harm their children.
- Many of the Childline counsellors have themselves grown up with corporal punishment and struggle to advise callers appropriately on the use of alternatives
- Materials are needed to assist counsellors on the crisis line to motivate callers who are seeking advice on positive parenting
- Younger children are most vulnerable to serious physical harm but research evidence indicates that children of all ages are harmed by the use of corporal punishment.
- There is little available that has been developed on parenting skills from an African or Southern African perspective
- Many parents and caregivers state that positive parenting without the use of corporal punishment is more challenging with regard to the younger pre-school child.

Objectives

- Develop materials and resources to support parenting in a Southern African context
- Ensure cultural appropriateness and accessibility to all parents and caregivers
- Link with other initiatives in the region and on the continent to support parenting as an abuse-prevention strategy

Process

- A workshop was held in South Africa in 2008 with partners from Botswana, Lesotho, Moçambique, Namibia, South Africa, Swaziland, Zambia and Zimbabwe
- Arising from this, focus group outlines for use with children aged 6 – 12 years, children aged 13 – 18 years, and parents, exploring children and parent perspectives on positive parenting were developed.
- A total of 39 groups involving 547 participants were run in the first quarter of 2009
- Report-back formats for the three different age categories were developed
- Detailed information from these Reports these groups was extracted

Findings

- Common themes emerged from all three age-categories (two age categories of children and parents)
- Children themselves, even the youngest ones, acknowledge the need for discipline and structure in their lives
- Children of all ages experience that adults sometimes have unrealistic expectations of their abilities and capacities
- Parents involved in the focus groups had a good academic understanding of the role and purpose of parenting
- However they acknowledged a wide range of challenges which “get in the way” of being able to fulfill this role

Relationships within families and households

- Children of all ages asked that parents treat the children in a household equally, and with consideration of their evolving capacities

“When my uncle gives his child another chance, but punishes me, it doesn’t feel fair and I feel very angry”

Child in focus group – children 11 – 13 years
Port Elizabeth, South Africa

- Children want their parents to encourage a peaceful, happy environment in which children are affirmed; they want parents to set for their children the example of what it means to be an adult

“Aunty needs to be kinder and not always be so angry because that makes us frightened”

Child in focus group – children 6 – 10 years
Lusaka, Zambia

Modelling behaviour

- Children were very clear that it is not enough for parents to tell them what to do – they need to see it for themselves
- If we want children to be considerate of others, we need to treat children with consideration; if we want children to be open and honest, we need to be open and honest in our dealings and interactions with them; if we want

children to be respectful and polite, we need as adults to deal with children in a manner which is respectful and polite

- The youngest children were adamant that parents should not be violent and aggressive with each other so that they (the children) can learn not to be violent and aggressive themselves

“If adults fight, children will fight too”
Child in focus group – children 6 – 10 years
Port Elizabeth, South Africa

Communication

- It cannot be too strongly stressed that all the groups involved in this project have prioritised communication between parents and their children
- Children felt that their parents should listen to them and take what they (children) say seriously
- Discussion of issues with children was identified as a way of teaching children about the world
- Children said that communication is a ‘two-way street’ – parents should also share with their children the problems they are facing; a lack of communication makes children feel isolated and insecure

“Auntie and Marang should have a little conversation to talk about a life and share what she is going through”

Child in focus group – children 6 – 10 years
Gaborone, Botswana

Establishing rules

- Even the youngest children understood the need for rules and discipline
- Parents need to understand that everyone can make a mistake – including parents
- Children want to be involved in establishing the rules and the consequences for breaking them.
- Rules should be reasonable and make sense to everyone involved – and be equitably applied to everyone
- Rules should be focused on helping children to develop a sense of responsibility, a sense of self-discipline and an understanding of the consequences of actions
- Parents should set an example for their children of respecting rules and behaving appropriately under different circumstances.
- Parents should operate on the principle of “do as I do” and NOT “do as I say”

Responding to “misbehaviour”

- The youngest children were particularly anxious that parents give them an opportunity to explain what happened and why, and also to consider the circumstances under which the child acted as (s)he did
- When there are disciplinary issues to be considered, parents should be reasonable and should not contradict and conflict with each other about the consequences of the “misbehaviour”

- Responses to misbehaviour should focus on understanding and taking responsibility for wrong-doing, and provide opportunities for making amends.
- Responses should also be age-appropriate and parents need to take into consideration the age and capacity of the child

Recommendations

- It was clear that the focus groups, although held with the intention of gathering information from children and parents, had value for the participants
- The parents groups strongly emphasised the need for parenting support groups and access to information on child development and alternatives to physical punishment
- Parents need to understand more about the rights of children, and their own rights, linked to responsibilities
- Thus, a strong recommendation arising from the first phase of this project is to develop the focus group format further so that it can be used beyond researching the views of children and parents on parenting to facilitating the development of positive parenting practices and positive responses from children to parents.
- Regular training and awareness-raising opportunities should be provided to parents
- Use the information gained from the focus groups to develop clear and culturally appropriate messages around positive parenting and easy to use materials to promote positive parenting.
- Develop materials which which facilitate communication, participation, the involvement of fathers, and mutual activities and interests for parents and children in their homes and family environments
- Ensure that messaging to parents and caregivers of children is balanced with regard to the promotion of the rights and responsibilities of children, as well as the rights and responsibilities of parents
- Messaging should be empowering and focus on what is positive, not on what is negative.
- Information should be readily available on child development (physical, emotional, social and cognitive) in accessible formats and local languages

Way forward

- A reference group is to be established comprising a range of experts from the Southern African Region
- This group will “meet” electronically and telephonically
- Production of actual materials to support parenting (as outlined earlier) will commence with inputs from the reference group
- Expand and develop the existing focus group outlines as a base for parenting workshops and training opportunities
- Develop training materials on the use of the materials for supporting parenting

- Provide training on the use of these materials, initially to the organisations involved in the data collection phase
- Link to current initiatives on the continent looking at and working with parenting – for example, the ICS/ANPPCAN Ethiopia/ACPF initiative on skillful parenting
- Continue at conferences and meetings such as this one to highlight the negative consequences for children of living with violence of any kind in their lives, and encourage a positive and supportive environment in homes and communities in which we can successfully raise the next generation

13 Presentation by Carol Bower

Pan-African initiatives related to parenting

Pan-African initiatives related to parenting

- There are two projects of which we are aware:
 - Childline SA's project in the Southern African Region – Joan will report on this
 - African Child Policy Forum's Skillful Parenting – Africa-wide project, on which I am reporting

African Child Policy Forum's Africa-wide project

- Partners:
 - African Child Policy Forum - contact Makda Taffese – ACPF
Makda.taffese@africanchildforum.org
 - International Child Support – contact Beatrice Ogutu – ICS,
Beatrice.ogutu@icsafrica.org

ACPF / ICS project - objectives

- To bring about behavioural change: A conducive environment where parents and the immediate environment can impart character, value and skills that will ensure that children grow up to become responsible adults.
- Policy implementation and budget allocation: Governments to have in place and implement social protection and welfare programmes to compliment other interventions that aim at promoting behavioural change.

ACPF / ICS project - activities

- Raise Awareness
- Enhanced promotion of skilful parenting (contextualized manuals, ToTs on skillful parenting, etc)
- Looking at policies and legislations – to what extent are they conducive for parents, how can we reach parents (e.g. in most countries' relevant policies, there is no legal entry into family structures)
- Enhance experience sharing and joint action

ACPF / ICS project - process

- Country consultations in late 2008 – 2009
 - Ethiopia
 - Uganda
 - South Africa
 - Kenya
- Experts Meeting (October 2009)
- Regional Symposium (November 2009)
- Launching Skilful Parenting Program in Africa 2010

ACPF / ICS project - planning

- Website on Parenting in Africa: www.parentinginafrica.com
 - Discussion forum
 - Manuals
 - Events
 - Database of members
- Real Life Stories on Parenting (book)

14 Presentation by Samantha Waterhouse

Network Website

Issues for Discussion

- Logo and colour
- Links to member sites
- links to the page from member sites
- The contact us function
- Using the webpage to build the support base for the Network.
- Updating and maintaining the webpage - eugene@rapcan.org.za and/or sam@rapcan.org.za

15 Presentation by Daksha Kassan

Brief Update on Global Developments: How far has the world come in prohibiting all corporal punishment of children?

International calls

- Various monitoring bodies have called for a total prohibition (UNCRC, UNHRC, UNCAT)
- UNCRC's General Comment 8 (2006) - expressly called for prohibition of all forms of corporal punishment – this is an immediate and unqualified obligation
- UN Study on Violence Against Children – report has set 2009 as the target date for achieving universal prohibition

Current Global Status on full prohibition (May 2009)

- 24 countries have in legislation prohibited all forms of corporal punishment in all spheres (Sweden, Austria, Croatia, Cyprus, Denmark, Finland, Latvia, Norway, Germany, Israel, Iceland, Ukraine, Bulgaria, Hungary, Romania, Greece, Portugal, Uruguay, Netherlands, New Zealand, Spain and Venezuela, Costa Rica and the Republic of Moldova as recent as March 2009)
- Law reform dates to 1979- Sweden and then mostly followed by other European countries
- BUT in 2007 – we saw New Zealand being first English-speaking country and Uruguay the first Latin American country followed by Venezuela as well as Costa Rica in 2008
- 2 countries have court rulings where corporal punishment in home prohibited or legal defence removed but NOT confirmed in law (Italy and Nepal)
- At least 23 States have committed themselves to effecting full prohibition (by making public statements or public commitments at regional forums e.g. Afghanistan, Bangladesh)) and/or are actively debating bills in parliament containing a prohibition (e.g. Brazil, Canada, Philippines) or intending court challenges such as South Africa)
- Various strategies used for total prohibition:
 - 1st abolished in public life (schools, courts, prisons, residential care, etc)
 - Private sphere- removing the defence of reasonable chastisement followed by explicit prohibition; (e.g. Sweden, Austria, Finland and Norway)
 - Court decisions (Italy)
 - Explicit prohibitions (e.g. Cyprus, Croatia)
 - **Purpose** of ban– was not to criminalise and prosecute parents but rather to send message that CP of children is harmful, it infringes their rights and change mindsets on child-rearing practices, to protect them against all forms of violence and grant them equal protection of the law
- 107 countries have prohibited CP in schools while it is still allowed in 90 states
- Larger number of countries (149) abolished CP as a sentence
- CP still allowed in alternative care settings in 159 countries
- 24 countries have abolished all CP including in the home

Current status in Africa

- NO African country has prohibited CP in the home (though SA came close and would have been the first in Africa)
- Less than half (approx 22 countries) have prohibited it in schools and CP allowed in most alternative care settings
- Higher number of countries have abolished it as a sentence (with approx 14 countries still allowing it as a judicial sentence)
- ACRWC – art 16 mirrors art 19 and 37 of CRC – though not yet interpreted by African Committee – section 1(2) provides that nothing in the Charter shall affect any provisions that are more conducive to the realisation of the rights

and welfare of the child contained in ...any other international convention in force in that State.

- The Chair of the African Committee of Experts, Jean-Baptiste Zoungrana says:

Although some legislative measures have been taken to ban violence against children in schools, care institutions and penal systems in many African states, not much has been done to end corporal punishment administered to children by their families, in their homes, where violence seems to be culturally accepted. In fact, thousands of homes have become real laboratories of violence against children and the media have reported many cases. That is unacceptable." *All Africa Special Report, April 2007*

Submission to African Committee of Experts

- November 2008 – oral submission made to African Committee of Experts by representatives from this group
- Submission inter alia called for:
- adoption of written statement urging States in Africa to prohibit CP and other forms of humiliating punishment of children in all settings by 2009
- members of the Committee to promote a ban on corporal punishment of children in their individual interactions with government officials and other relevant stakeholders.

Attempts through litigation

- 2004 Canadian case – application to declare S 43 of Penal Code (which justifies reasonable use of force by parents and teachers) unconstitutional on basis that it infringed child's right to equal protection of the law, security of the person and to be protected from cruel and unusual treatment or punishment.
- Majority did NOT find S 43 unconstitutional – BUT limited the legality of parental CP (for e.g. CP not to be administered to children under 2 and teenagers) and set limits as to when S 43 could be used as a defence
- Decision criticised for rejecting notion of children's rights and their right to dignity, creating uncertainty
- Oct 2007 – bill to repeal section 43 debated but then dropped in Sept 2008 due to elections but new amended Bill expected to be introduced in new parliament

Intended SA court challenge

- Civil society intends to launch a constitutional challenge
- Court papers to be prepared and launched by June 2009
- Various research initiative to support case underway
- 3 applicants – 1 of which is a 16 year old boy
- SACC – potential amicus to the court

Recent global developments to support prohibition

- Jan 2008 – Council of Europe's Commissioner for HR - published an updated Issue Paper on children and CP – details reasons why a prohibition is

- necessary, world-wide progress and steps taken by various human rights mechanisms to support a prohibition
- 15 June 2008 – Council of Europe – launched its “Raise Your Hand Against Smacking” campaign in Croatia
 - Europe-wide awareness-raising initiative against corporal punishment
 - Aim: to achieve full prohibition in its 47 States , promote positive parenting and raise awareness of children’s rights in Europe
 - Event: attended by govt reps, international orgs, parliamentarians, local authorities, celebrities, ombudspersons, NGOS, children, child network professionals
 - First regional inter-governmental organisation to campaign for an end to CP of children
 - Various national campaigns in a range of countries for law reform documented in 2008 Global Report (reference to SA, Zambia and Regional Network)
 - Global campaigns to end school CP – e.g. October 2008 – Plan International launched a global campaign “Learn without fear” to end violence in schools focusing on CP and bullying – to be implemented in 66 countries where PLAN works – www.plan-international.org
 - 28 May -3 June 2008 – first global meeting held in Bangkok on achieving legal reform to prohibit all Physical and Humiliating Punishment of Children
 - Various country reps invited to discuss strategies on achieving bans and at the workshop national strategies for law reform were developed
 - Other topics: positive parenting, advocacy strategies, building partnerships
 - March 2009- the Inter-American Court of Human Rights confirmed the human rights obligations of its member States to prohibit and eliminate all corporal punishment of children
 - This confirmation followed a request by the Inter-American Commission on HR for the Court to issue an advisory opinion on whether CP was compatible with various articles in the American Convention on HR
 - The Court said that an opinion was NOT necessary as the obligation to prohibit CP is clear from the existing decisions of the court, obligations issued by other international instruments and also General Comment 8

Resources developed

- Jan 2008 - Global Initiative – published a guide “Prohibiting CP of children: A guide to legal reform and other measures” – to support States in achieving a prohibition- details the legislative measures necessary to comply with UNCRC and guidance on non-legislative measures to support prohibition
- Revised in February 2009 – incorporates comments received and recent experiences gained in 2008 by working with NGOs engaging in law reform
- Access at www.endcorporalpunishment.org
- Churches Network for Non-violence published a guide to help churches engage with the issue Respecting Children: A handbook on growing up without violence – access at www.churchesfornon-violence.org

Conclusion

- Progress is indeed being made albeit slowly (with only 24 countries having full prohibition) despite calls made to achieve universal prohibition by/in 2009
- Human rights courts are also coming to the fore by pronouncing the obligations of States to eliminate violence and inter-governmental organisations are also taking a stand
- Be encourage by these developments to continue the fight

Sources

- Global progress accessed at www.endcorporalpunishment.org
- Ending legalised violence against children, Global report, 2008
- Global progress towards ending all corporal punishment, May 2009 – from Sharon Owen

16 Presentation by Emily Ruhukwa

Report back on the Submission to the ACERWC

Background

- Task was to approach ACERWC to request for support of Network on issue of developing written statement on cp, requesting them to raise it with the member states of Charter & drawing attention to the measures which member states can take to ensure the abolition of cp
- Submission forwarded to Committee
- Committee members & key staff of the Committee were furnished with:
- Copies of General Comment No. 8
- Copies of the All Africa Special report on Violence against Children
- Declaration on Violence against Girls
- Representatives of Network were invited to make oral submission at its session

Pre-submission

- Press release prepared through Save the Children Sweden to be released on the Monday following the presentation
- Pre-meeting with organisations of other ngos in support of the submission to establish execution of the presentation
- Pre-meeting was well received & acted as catalyst for the establishment of civil society body to engage with the Committee

Overview of submission

- Initiators of submission and supporting organisations
- Reference to the relevant provisions of African Charter (articles 21, 11, 6, 20)
- Purpose was reinforce thinking that the charter embodies African values which do not condone cp

- Reference to provisions of international human rights instruments to demonstrate link between the region specific instruments & international instruments with regard to cp
- Submission highlighted global and continental developments in area of cp such as UN Global Study on Violence against Children released in October 2006 and African Declaration on Violence against Girls
- Also looked global progress towards the prohibition of corporal punishment and compared trends to those happening on the African continent
- 23 African countries have prohibited cp in the school setting, 36 have abolished it a a penal sentenced and 22 states have abolished cp a disciplinary measure in penal institutions and 3 African countries have abolished cp in alternative care settings.
- None have done so within the home
- Attention was drawn to studies of Violence against children carried out in 16 African countries
- Emphasis was made on the actual verbatim comments from some of the children on their experiences with cp and how they feel the practice impact on them
- Stressed that even though domestic laws try to categorise acceptable & unacceptable levels of violence against children the realistic was that adults do not always use moderate /reasonable forms of physical punishment
- Merits of the social and cultural arguments used by proponents of cp
- Put forward the view that cp teaches children that it is acceptable to resolve conflicts with violence & undermines a child's self confidence and may result in anti social and delinquent behaviour
- Touched on religious arguments for cp advanced and countered with those of the faith based communities who believe tat religious references to cp should be interpreted within the context of human rights principles and not in light of retribution and punishment

Recommendations

- Submission ended with recommendations to Committee to adopt a written statement urging the member states to prohibit cp in all settings and to urge the state parties to promote measure to implement and promote this prohibition
- Ensure that member state provided information by way of their periodic reports on the steps they were taking to abolish cp in all settings
- Ensure that member states provided information by way of periodic reports on steps they were taking to end corporal punishment
- Support the position of the Network to fully address societal violence
- Promote a ban on cp of children in their individual interactions with government officials and other stakeholders
- Support recommendation in the Africa Declaration on Violence against Girls for the African Union to establish a Special Envoy on Violence against Children

- Envoy would in turn support the efforts of Committee to prevent report and monitor violence against children in Africa
- There was a need for advocates to connect with parents, caregivers and teachers and provide them with solutions
- One comment was that cp was acceptable provided it was not done excessively as way of correction
- ANPPCAN-Ethiopia advised that they had developed a manual on positive parenting
- Committee acknowledged that psychological effects of cp should be considered when looking at the issue of corporal punishment
- Since Africa is primarily rural from a practical standpoint do to endure that cp is administered with humanity
- There was need for education on the effects of cp

Decision of the Committee

- Committee to develop guidelines on pd to be issued to all state parties
- Further communication would b made to all parties urging them to prohibit corporal punishment of children

Lessons learnt

- Are a number of issues on which the Committee has yet to make pronouncements and given limitations they have in terms of administrative support and resources might be opportunity to influence their opinions
- Need to lobby though individual members of Committee in order to more effectively push forward or mandate as Network

17 Presentation by Judith Mulenga

NGO Support Group to the ACERWC - Discussion at the November 2008 Meeting of the Committee in Addis Ababa

Background

- Inherent weak position of the ACRWC placed under the Department of Social Affairs.
- Does not have an independent budget.
- Reports to the Assembly through the Executive Council.
- At the time in November 2008 had no formal body of civil society organisations working with it.
- On the other hand the African Commission on Human and Peoples Rights belongs to the Dept of Political Affairs but has an independent budget and its own secretariat in The Gambia.
- Has a dynamic NGO Forum working with it.

Why CSOs should work with the ACERWC

- The ACERWC is crucial for the development of an Africa fit for children's lives, survival and development because it has the mandate to promote and protect children's rights and welfare in Africa.
- The ACERWC interprets the provisions of the ACRWC
- Cooperates with other African, international and regional institutions concerned with children's rights
- Formulates principles and rules aimed at protecting children's rights and welfare in Africa
- It monitors the obligations of States Parties to implement the Charter by examining state party reports; producing recommendations for states parties to consider; responding to individual communications and conducting investigations into reported violations of the Charter.

Suggestions on working with the ACERWC

- Assist the ACERWC become more visible and discharge its mandates in an effective and informed manner
- Strengthen CSO's in holding their governments accountable and in monitoring the implementation of the ACERWC
- Therefore, CSOs engagement with ACERWC to be more structured
- Provide a platform for partnership and networking and as a starting point for advocacy around children's rights in Africa
- The CS Forum should hold meetings prior to the ACERWC meetings
- A proposal to eventually advocate for the removal of the Committee from Addis Ababa to be hosted in a country other than Addis like the Commission is hosted in the Gambia. There was talk of Mauritius having offered to host the Committee but this was not confirmed

Post Script to the discussion

- First meeting was held last month in April prior to the 13 session of the ACERWC. I am yet to receive a report on the meeting. Had asked Remember Miamingi of the Africa Child Policy Forum who coordinated the meeting. Idea was mooted by Edmund of. Based in the Gambia.

18 Presentation by Samantha Waterhouse

NGO structures and alliances to support the African Committee of Experts

Focus of presentation

- PANORC
- AWMC
- Child Focused Civil Society Forum Around the ACERWC

Pan-African Network of Organisations for the Rights of the Child (PANORC)

- Initiative of Save the Children Partners in 2006

- Vision: An Africa where children's rights are realized and children are free from abuse and exploitation.
- The objectives of the network are to:
 - build the capacity of members to engage with the African Union, in particular, to support the African Committee of Experts on the Rights & Welfare of the Child, and to engage with regional bodies;
 - enhance the participation and representation of children in all matters concerning them at all levels;
 - advocate for the recognition and realization of the rights of children in Africa; and
 - share information and minimize duplication of efforts.

Membership

- Membership to any NGO, CBO or FBO upon acceptance of the MOU.
- Child-led organizations shall be encouraged to join and participate in the network.
- May be a supporting partner or a member.
- Leadership by five regional representatives (Central; East; North; Southern; and West Africa)
- Representation in all four primary African languages (Arabic, English, French and Portuguese)

Status of PANORC

- Leadership met in May 2008
- Decision to continue with PANORC and link this body to the Africa Wide Movement
- MOU was developed and Action Plan drafted
- Co-ordinator left his post later in 2008 and there has subsequently been no movement.
- Status unclear

Africa-Wide Movement for Children

- Originated from a meeting of 100 organisations in 2006
- Steering committee undertook implementation tasks
- Movement formally established May 2008
- African Child Policy Forum (secretariat)
- Association of institutions and individuals
- Focused on children's rights and wellbeing in Africa
- To speak against children's rights violations and influence public policy and practice at national and continental level.

AWMC - Objectives

- Promotion and protection of best interests of the child.
- Promote solidarity, support, collaboration and accountability among organisations
- Investigate, document and disseminate record of violations and take action on these.

- Contribute to emergence of African voice for children through participation
- Monitor legislation and policy re children
- Nurture Pan-Africanism

AWMC - strategy

- Building the Alliance
- Information gathering and dissemination
- Campaign and advocacy
- Accountability through recognition
- Child participation

AWMC - projects

- ACERW consultative forum
- Law, policy reform and litigation
- Pan-African Children's Parliament
- Pan-African Child Forum

Child Focused Civil Society Forum on and around the ACERWC

- Organised by:
 - African Child Policy Forum
 - Africa-Wide Movement for Children
 - ANPPCAN
 - Plan International
 - Save the Children
 - Department of Social Affairs AU
- 1st meeting held April 2009
- Linked to timing of ACERWC schedule
- Mobilising around country reports in specific countries
- General discussion on issues re children's legal framework and jurisprudence in Africa

Contact the AWMC

- Remember Miamingi
- miamingi@africanchildforum.org

19 Presentation by Keith Vermeulen

Resolutions for the AACC 9th General Assembly Covenant from the Children's Session - The Way Forward

Introduction

- During the 7th General Assembly in Addis Ababa, Ethiopia (October 1997), children participated for the first time in the history of the General Assembly. In the 8th General Assembly in Yaounde, (November 2003), the issue of children was discussed within the context of women and youth. In the 9th General Assembly, Mozambican children addressed a plenary session and a

panel presented issues affecting Africa's children. The children challenged delegates to address issues of HIV and AIDS infection, child trafficking, access to education and health care.

- The way forward for Africa's children and the church is to incorporate children's issues in the core business and ensure that children and youth participate. The "way forward" document is intended to assist and stir AACC and its member churches into action on behalf of children and subsequently report back

Resolutions/Recommendations

- **Biblical Mandate**
The church in Africa, like all churches, is given a Biblical mandate to minister to children. Children's ministry is seeks to empower children to attain their fullest, God-given potentials, physically psychologically, spiritually, socio-culturally, and economically. This will prepare them to become agents for transformation in their communities, to the glory of God. We challenge the church to realize that the failure to minister to children is an omission in the Great Commission.
- **The Voice of the Children**
Through their participation in a plenary session of the 9th General Assembly, the children demonstrated that they have the capacity to engage adults in meaningful dialog. Therefore, we resolve that children should be regular participants within the AACC and its member churches.
- **Ambassadors to the future**
We recommend that AACC member churches select two youth – a boy and a girl, aged between 8 and 12, to serve as child ambassadors for a period of five years. We further recommend that National Councils select at least two child/youth delegates to the AACC General Assembly in 2013.
- **Parental education**
The church acknowledges that the family is central to the stability of any society. Therefore, we resolve that the church shall be encouraged to creatively integrate Christian Parenting into lay and clergy trainings.
- **Child Rights**
We propose that all AACC member churches follow up and act through their national councils, to ensure that:
 - Their country has an action plan to implement the articles of the International Convention on the Rights of the Child.
 - Their country is implementing child welfare and protection strategies as contained in the African Charter on the Rights and Welfare of the Child.
 - Their country has a "Children's Act", to protect the welfare and rights of all children.
 - Their country has passed legislation that outlaws all forms of "Corporal and humiliating punishment" of children.
- **Day of the African Child**
The Day of the African Child, June 16th, should be highlighted in church calendars. We challenge the church to promote this date, to share messages to and from children, and to provide an opportunity for children and youth to lead worship.

- Children as change agents
Children can be positive agents of change. We appeal to the church to view children with respect. Church programmes with children should set a positive example for all programmes with children in the community.
- Harmful Practices
Harmful practices, including: female genital mutilation, early marriages, child labour, infanticide, incest, treatment of children with disabilities, pornography and negative media influence, must be strongly condemned. We propose that the AACC and its member churches utilize every opportunity advocate for an end to all practices that negatively affect children.
- Vulnerable Children
All children are vulnerable, though many children live in environments of extreme vulnerability. Vulnerable Children include orphans, sexually abused children, trafficked, street children, children influenced by witchcraft, children living in child headed-homes, children involved in conflict, and children affected and infected with HIV and AIDS. Member churches of the AACC should discern how and where they should respond to the causes of child vulnerability in their areas. Plans for mitigating the causes of child vulnerability should be implemented and reported in the next GA.
- Audit of Child Vulnerability
We propose that the AACC commission an audit of child vulnerability in five countries, examining the causes, and strategies for reducing risk and building resilience. The audit report should be presented at the next AACC General Assembly in 2013.

Participants

- Facilitator: Dr. Morompi Ole-Ronkei
- Members: Rev. Dr. Emmanuel Mbennah, Mr. Frank Dimmock, Rev. Keith Vermeulen, Ms. Carol Bower

20 Presentation by Alines Mumba

Opportunities for engaging the faith based sector in the region and on the continent

Background of ZINGO's Involvement

- ZINGO ran a workshop for religious leaders from the 24th to 28th of September 2007 in Siavonga.
- The workshop drew 18 religious leaders from 6 religious mother bodies namely the Baha'i National Spiritual Assembly, Council of Churches in Zambia, Evangelical Fellowship of Zambia; Independent Churches of Zambia, Islamic Council in Zambia and the Episcopal Conference.
- The workshop looked into the issue of Gender based Violence as it relates to children's rights.
- ZINGO secretariat facilitated the sessions on Child Rights Programming and M & E.

- Save the Children Sweden through the Country Manager led discussions on Child upbringing (alternative forms of discipline).

Outcomes

- The workshop enabled religious leaders to identify issues to advocate for in trying to fulfil their pledge in the “letter to our children” generated at the ZINGO national conference in 2006.
- Using the identified issues, the religious leaders were then assisted to develop work plans that they would implement for three months using the rights based approach.

Some of the issues that were identified included

- Poor nutritional food supplements to children
- Lack of adequate commitment to holistic moral, physical and intellectual development of children
- Increase in the number of street children
- Sexual abuse of children among in and out of school children in Mazabuka

Challenges

- The rights based approach to development, especially child Rights programming meant a paradigm shift for the religious leaders.
- A lot of time was devoted to familiarizing the participants to the new approach.
- The issue of alternative forms of punishment was equally no easy area.
- At the end of the workshop, the vice board chairperson of ZINGO and chairperson of the Independent Churches of Zambia, Rev. David Masupa had this to say:
“We have to revisit our theologies and further research on these issues children’s rights”

Engaging the faith based sector on a meaningful level

- Consultation with this sector is essential and a strategy of how this sector will be engaged needs to be carefully formulated.
- Too often, civil society approaches the faith based sector on their stance on an issue e.g. concerning children’s rights, but there are no follow up beyond the consultations.
- When engaging the faith based sector, ZINGO’s approach has been to ensure that there is regular communication between the secretariat and the implementing partners faith mother bodies
- This meaningful consultation and communication has helped to give the Faith Based Organisations a sense of ownership in the programs
- ZINGO in engaging the faith based sector tries to appeal to their sense of moral obligation especially with regard to children’ rights

Advantages of Working with the Faith Based Sector

- A World Bank study Narayan (2000) concluded that religious leaders and institutions were the most trusted institutions in developing countries
- The sector has the potential to reach the poorest at the grass roots

- Faith Based Organisations are found in the most inaccessible areas where government services and other NGOs do not reach
- This sector has a sustainable presence
- Passion and motivation for cause is founded on a deeper level of reward

Areas of Engagement

- Advocacy
 - Can be the most passionate and unrelenting advocates
 - This sector generally uses less resources
 - Government leaders generally take notice and listen when religious leaders and FBOs speak
 - This sector is best placed to hold governments accountable
 - All religions hold children in high esteem; this creates an entry point for working with the faith based sector.
- Service delivery
 - Usually have structures and systems already established
 - Excellent partners in the area of capacity building
- Research and Documentation of best practices
 - Existing structures provide a means of collecting information on best practises on children's rights and corporal punishment, especially in the every remote areas

Challenges to be mindful of

- Trickle down effect is not always guaranteed
- Opposition and resistance from the religious leaders and institutions
- Taking a non- threatening approach in working with the faith based sector
- The process of religious leaders buying into the cause of child rights and corporal punishment can be a delicate and slow process

Opportunities for the Network

- At National Level
 - The FB institutions are always willing to work with civil society on Child Rights and preserving children's dignity
 - Regional religious bodies that are open to working on children's rights are a great entry point for member. Bodies such as World Conference of Religions for Peace, Africa Council of Religious Leaders, All Africa Conference of Churches

21 Presentation by Daksha Kassan

Election of Article 19 editorial board member: regional representative

Introduction to Article 19

- Lay publication dedicated to the issue of corporal punishment of children
- Produced since 2005 by CRP

- Generous funding from Save the Children Sweden

Purpose

- To ensure that diverse information on the subject is collated and shared between various relevant role-players and stakeholders both nationally and regionally (info such as harmful effects of CP, positive alternatives, research findings, etc)
- Aim of promoting positive forms of discipline and the abolition of CP to ensure children's rights to dignity and physical integrity

Content

- Since 2005 – 10 editions printed and distributed in SA and regionally (members of this group and others)
- Content inter alia focussed on:
- Summaries of research undertaken to date; updates on future research; case-notes on local and international legal developments, developments in parliament; updates on law reform initiatives in other countries and highlighting practical initiatives designed either by government departments or non-governmental organisations to eradicate the corporal punishment of children, and more widely the physical abuse of children.

Target audience

- Parliamentarians, magistrates and Judges (in criminal courts),
- Departmental officials within the departments of education and social development specifically, Commissioners of Child Welfare, educators, social workers, prosecutors, child care workers and
- Civil society in SA and also regionally

Editorial board

- For the proper planning and success of the publication, an editorial board comprising of relevant experts and human rights organizations working in the children's rights area was established
- Initially editorial meetings were held to set the initial steps in motion (name, format, content presentation, etc)

Current members

- Carol Bower (independent consultant)
- Andrew Dawes (HSRC and now UCT)
- Maria Mabetoa (DSD national)
- Julia Sloth-Nielsen (UWC)
- Ulrika Sonesson (SCS)
- Salim Vally (Wits EPU)
- Samantha Waterhouse (RAPCAN)
- Judith Mulenga (as of 2006 when a decision taken for Art 19 to have a regional focus)

CRP's objective

- Contribute to the promotion of prohibiting CP regionally
- One way is enhance a wider regional focus in Article 19 by:
 - Including more articles on developments and research in other African countries, and
 - Including a second representative from the region (at moment have only Judith Mulenga)

Election of 2nd regional representative on editorial board

- Criteria:
 - a person knowledgeable and experienced on issue of CP
 - English fluency
 - Not from SA and Zambia
- Duties: sourcing articles, comment on draft editions, submit written articles, be aware of developments in his/her country and other countries in Africa and share information

Process

- Nominate (limit to 3)
- Nominee, bearing in mind the duties expected, accept nomination
- Vote
- And the elected regional representative is
Emily Ruhukwa