



Implementing positive discipline in Tanzanian schools:

Law reform to prohibit corporal punishment of children





What is corporal punishment?

The Committee on the Rights of the Child defines “corporal” or “physical” punishment as any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting (“smacking”, “slapping”, “spanking”) children, with the hand or with an implement - a whip, stick, belt, shoe, wooden spoon, etc.

In addition, there are other non-physical forms of punishment that are cruel and degrading and thus incompatible with the Convention. These include punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child.



What is positive discipline?

Positive discipline is an approach that teaches children and guides their behaviour, while respecting their rights to healthy development, protection from violence and participation in their learning and care.

It features relationships based on cooperation, respect, empathy and recognition of the child’s innate abilities. It is not permissive and is not about punishment. It is about long-term solutions that develop children’s own self-discipline and life-long skills, fostering non-violence, empathy, self-respect, human rights and respect for others. Positive discipline is based on the most current research on children’s healthy development and effective parenting or teaching and is founded on child rights principles.¹

¹ Children’s rights principles include non-discrimination, best interests of the child, right to life, survival and development and participation.





Context

Children have a right to learn without violence in school, whether in a public, private, government-subsidised or faith-based institution. As well as violating children's rights, overwhelming evidence shows that the use of corporal punishment in schools can impede learning and contribute to school drop-out. A school culture that ensures a safe, respectful environment for students and teaching staff and promotes learning, will benefit students, teachers and the wider community.

While much progress has been made, the law in many countries still authorises violent punishment of children in schools, sometimes even specifying how it must be inflicted, and efforts to prohibit it are often met with strong opposition from teachers and parents. Tanzania holds international and regional human rights obligations to prohibit all corporal punishment of children, including through the new global commitment to ending violence against children in the context of the 2030 Agenda for Sustainable Development. Similarly, Africa's "Agenda for Children 2040: Fostering an Africa fit for children" requires all State parties to the African Charter on the Rights and Welfare of the Child to have prohibited corporal punishment as a form of discipline or punishment in schools, institutions and in the criminal justice system, by 2020.² Tanzania is a Pathfinding country with the Global Partnership to End Violence Against Children. This commits the Government to three to five years of accelerated action towards the achievement of Target 16.2 of the Sustainable Development Goals. Prohibiting and eliminating corporal punishment in all schools is therefore an urgent priority. A recent evidence review³ on the prevention of violence against children in and through schools in the Global South revealed that interventions need to be multi-dimensional and informed by evidence and strategic choices. The report found that schools present a unique opportunity to reach large numbers of children to address and prevent violence against children through the delivery of innovative, systematic interventions. The National Plan of Action to End Violence Against Women and Children in Tanzania 2017-2022 does not explicitly recommend a legal prohibition of corporal punishment in any setting.

Legality in Tanzania

In Mainland Tanzania, corporal punishment is lawful in schools, for boys and girls, under the National Education (Corporal Punishment) Regulations 1979 pursuant to article 60 of the National Education Act 1978, which authorises the minister to make regulations "to provide for and control the administration of corporal punishment in schools". Corporal punishment according to these Regulations means "punishment by striking a pupil on his hand or on his normally clothed buttocks with a light, flexible stick but excludes striking a child with any other instrument or on any other part of the body". Regulation 3 states that corporal punishment "may be administered for serious breaches of school discipline or for grave offences committed whether inside or outside the school which are deemed by the school authority to have brought or are capable of bringing the school into disrepute"; it must "be reasonable having regard to the gravity of the offence, age, sex and health of the pupils and shall not exceed four strokes on any occasion".

The Law of the Child Act 2009 does not prohibit corporal punishment in schools nor repeal the provisions for it in the Education Act and Regulations.

² African Children's Committee Africa's Agenda for Children 2040: Fostering an Africa fit for children (2016) 11.

³ Mathews S, Achyut P, October L & Makola L. (2021). Evidence Review: Prevention of violence against children through schools in the Global South. Raising Voices, Uganda and University of Cape Town, South Africa





What needs to change (and what MPs can do)

- The Education Act and its Regulations should be amended to clearly prohibit corporal punishment in schools.
- The provision for “justifiable correction” in the Law of the Child Act 2009 should be explicitly repealed or amended to clarify that it cannot be construed as a defence for the imposition of corporal punishment or other cruel or degrading punishment of a child.
- Legal provisions authorising and/or regulating corporal punishment in schools and other institutions should be repealed, including the National Education (Corporal Punishment) Regulations 1979, the National Education Act 1978, the Law of the Child (Retention Homes) Rules 2012 and the Law of the Child (Approved Schools) Rules 2011.
- Adequate training for teachers in positive discipline and classroom management should be integrated into both pre- and in-service teacher training programmes. If teachers are given strategies and receive help to learn alternative approaches, then many of them will use them and corporal punishment in schools will be reduced.
- The Government should expedite plans to fill vacant teacher positions, especially in rural and hard-to-reach areas, in order to reduce classroom sizes as stressful working conditions can trigger the use of corporal punishment.

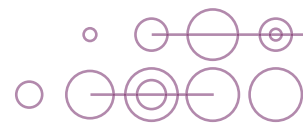


Why prohibit corporal punishment in schools?

Transforming school culture to protect children from corporal punishment starts with law reform.

Legal protection from all violent punishment is key not only to protecting children from violence but also to raising their social status. Reforming laws to ensure that children can no longer be lawfully subjected to violent punishment marks a turning point in society’s relationship with children, signaling recognition of children as human beings and rights holders. In enhancing children’s position in society, it advances all their other rights.





Negative impacts of school corporal punishment

The message from research is very clear: corporal punishment carries multiple risks of harm and has no benefits. School corporal punishment violates children’s right to education, including by creating a violent and intimidating environment in which children are less able to learn. Corporal punishment in schools is often why children drop out of school,⁴ or record poor school performances,⁵ making them more vulnerable to other forms of exploitation. Failing to prohibit school-based violence ultimately promotes a low level of education and negatively impacts on social cohesion and development. The negative impact of corporal punishment on children’s cognitive development and education may last into adulthood. In some studies, adults who experienced corporal punishment as children were less likely to graduate from college⁶ or to have high status and highly paid jobs.⁷

Prevalence of corporal punishment in Tanzanian schools

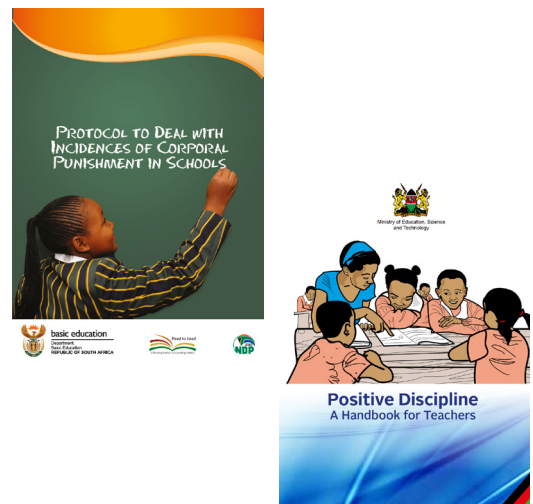
Recent reliable data on the prevalence of corporal punishment in schools in Tanzania is not available. However, existing evidence indicates that the use of corporal punishment is widespread.⁸

Positive impacts of prohibition

The experience of states that have achieved effective prohibition shows that legal protection supports change in attitudes and behaviour. Law reform provides clarity to children, parents, teachers, social services and law enforcement that no violence against a child is acceptable. It has been established that countries that pass laws prohibiting corporal punishment see reductions in the use of corporal punishment and other forms of violence against children that continue over many years. Countries with lower levels of violence against children have been found to be less violent societies overall.⁹

African examples of prohibition

Research comparing the prevalence of and attitudes towards corporal punishment before and after law reform is available in only few states that have achieved prohibition but regardless, the evidence of changes in attitudes and practice is strong. For instance, in South Africa- which prohibited corporal punishment in schools in 1996- a national survey¹⁰ revealed that between 2009 and 2019, the use of corporal punishment in schools had decreased by half. Equally, most states that have prohibited corporal punishment in schools have also provided training and capacity building to school staff, including disciplinary procedures, teachers’ guidance and resources to promote positive discipline and classroom management.



⁴ MJ Ogando Portela & K Pells ‘Corporal punishment in schools: Longitudinal evidence from Ethiopia, India, Peru and Vietnam’ (2015) Innocenti Discussion Paper 2

⁵ Cherian, V. I. (1994), “Self-reports of corporal punishment by Xhosa children from broken and intact families and their academic achievement”, *Psychological Reports*, 74(3), 867-874

⁶ Straus, M. A. & Mathur, A. K. (1995), “Corporal Punishment of Adolescents and Academic Attainment”, paper presented at the annual meeting of the Pacific Sociological, San Francisco, 7 April 1995

⁷ Straus, M. A. & Gimpel, H. S. (1992), “Corporal Punishment by Parents and Economic Achievement: A Theoretical Model and Some Preliminary Empirical Data”, paper presented at the 1992 meeting of the American Sociological Association

⁸ For instance, see UNICEF Tanzania, Division of Violence Prevention, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention & Muhimbili University of Health and Allied Sciences (2011), *Violence against Children in Tanzania: Findings from a National Survey* (2009), Dar es Salaam: United Republic of Tanzania

⁹ Straus, M. A. et al (2014), *The Primordial Violence: Spanking Children, Psychological Development, Violence, and Crime*, NY: Routledge

¹⁰ General Household Survey, 2019, p. 17





Legality in East Africa

States with full prohibition in legislation

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Kenya	Yes	Yes	Yes	Yes	Yes	Yes
South Sudan	Yes	Yes	Yes	Yes	Yes	Yes

States that have not achieved full prohibition

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Burundi	No	No	No	[Yes]	No	Yes
DR Congo	No	No	No	Yes	No	Yes
Rwanda	No	No	No	Yes	Yes	Yes
Uganda	No	No	No	Yes	Yes	Yes
UR Tanzania	No	Some ¹¹	No	No ¹²	Some ¹³	Some ¹⁴



¹¹ Prohibited in residential institutions in Zanzibar

¹² Directive advises against corporal punishment in classrooms from pre-primary to third grade, in mainland Tanzania but not confirmed by the Ministry of Education

¹³ Prohibited in approved schools and remand homes in Zanzibar

¹⁴ Prohibited in Zanzibar





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