

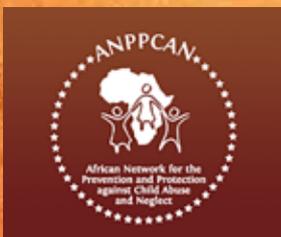
CMI REPORT

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“Whom the Lord Loveth He Chasteneth”

Corporal Punishment of Children in Kibera

Arne Tostensen
and Philista Onyango



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1 Introduction

This report presents the findings of a quantitative survey conducted in a large slum area in Nairobi. It forms part of a wider project dealing with the plight of children and youth in Kibera. The overall objective was to assess the efficacy of civil society organisations in supporting child rights, with emphasis on advocacy as distinct from service delivery. So far, little research has been done on CSO effectiveness of advocacy. Considered fairly child-friendly (African Child Policy Forum 2013: 70), Kenya is the country context within which advocacy activities are undertaken. The purpose of the survey on corporal punishment is to gauge the prevalence of this practice, and to obtain knowledge about its forms and justification by its perpetrators as well as perceptions by the victims. The survey, comprising altogether 400 respondents, covered four different groups: (i) parents (200); (ii) teachers (100); (iii) children aged 10-14 (50); and (iv) children aged 15-18 (50). The samples were stratified by village (Makina, Kianda, Katwekera, Laini Saba, and Lindi). The respondents were drawn randomly by visits to every fifth house in each village. Five interviewers were recruited, one for each village: Veronicah Anyera (Laini Saba); Kennedy Otieno (Kianda); Susan Okoth (Lindi); Lydia Adhiambo (Katwekera); and Geoffrey Bakhoya (Makina).], all of whom with previous interviewing experience. After a training session, interviewing took place in late November and early December 2012. The findings of the survey are intended to inform policies and actions by CSOs working in Kibera and elsewhere in Kenya.

In terms of research ethics, all respondents or the parents/guardians on behalf of children gave their voluntary informed consent to participate in the survey. Their granting of consent was based on a written consent form, which explained the nature and purpose of the survey in accessible language and signed. In cases of orphaned children who did not even have a guardian competent to sign the consent form on their behalf, the children were themselves given competence to grant consent as recommended by the National Committee for Research Ethics in the Social Sciences and the Humanities in Norway.

2 Socialisation

Raising children is a challenging task. From infancy children grow into childhood and later into adolescence before reaching adulthood. At various stages in their development, children start asserting their independence vis-à-vis social authorities, in the first instance their parents. Through behaviour (speech and action) children express their own views and preferences as a manifestation of their independent self or ego. This assertion is tempered by parents (and guardians) who represent the wider society – the superego – into which children are inducted as citizens to be. Parents thus impose certain restrictions on their children's development. The interaction between parents and children is captured in the concept of socialisation. As a concept, socialisation is used by sociologists, social psychologists, anthropologists, political scientists and educationalists alike.

Socialisation is the process through which children acquire the skills necessary to function as members of society when reaching adulthood. In other words, socialisation is a comprehensive learning process, whereby children are introduced to a social existence or culture, which fundamentally is found at the individual level. This induction occurs through conditioning by parents, the nuclear family, the

extended family, and the wider social networks within specific cultural contexts (Kayongo-Male and Onyango 1984). This iterative and dialectical process of both learning and teaching ensures societal continuity. Socialisation is a prerequisite for a functioning society. While the basics of socialisation occur in early childhood, most social scientists consider socialisation a life-long process of learning.

The interaction of children and parents, throughout the socialisation process, is characterised by tension at times. Parents may perceive their children's assertion as insubordination. In a manner of speaking, there is a 'tug-of-war' between parents and children in certain phases of the socialisation process. The children struggle to liberate themselves from what they perceive as parental strictures. To the parents that struggle is often experienced as exasperating because the children refuse to comply. In effect, the children rebel and defy their parents. In such situations parents feel a need to discipline their offspring. While disciplining children may take many forms – some lenient and others strict – owing to their frustration parents sometimes resort to physical forms of disciplining, generally subsumed under the term corporal punishment.

3 The effects of corporal punishment on children

Corporal punishment is commonly defined as the use of physical force with the intention of causing a child to experience pain, but not injury, for the purpose of correction or control of the child's behaviour (Straus and Stewart 1999: 57; Gershoff 2002: 540).

Psychological research has established that corporal punishment is harmful to children's development and inhibits their ability to learn, grow and thrive in their environment. But the harmful effects vary depending on multiple factors such as chronicity and severity. Chronicity refers to the repetitious use of corporal punishment over several years, while severity refers to the degree of force being used (Straus and Stewart 1999: 65). Slapping on the face or the head, hitting with a belt or a hard object, and pinching, are all considered severe forms of corporal punishment. By contrast, spanking or slapping on the hand or leg, is considered less severe (Straus and Stewart 1999: 58). The distinction between corporal punishment and physical abuse is important. Actions that do not result in significant physical injury (e.g. spanking and slapping) are considered corporal punishment, whereas actions that risk injury (e.g. punching, kicking, burning) are considered physical abuse (Gershoff 2002: 540).

It is possible to establish a continuum of physical acts towards children, ranging from mild forms to palpable physical abuse. However, where to draw the precise line between 'acceptable' corporal punishment and dangerous physical abuse is subject to disagreement. Arguments are often made that milder forms of corporal punishment may evolve into physical abuse as the eventual outcome. Research has confirmed that 'acceptable' corporal punishment is closely linked with physical abuse (Gershoff 2002: 550). A *caveat* must be inserted here: statistical correlation does not prove causation. In other words, with the exception of immediate compliance, corporal punishment cannot be identified unequivocally as the cause of reprehensible child behaviour, (Gershoff 2002: 551). A host of contextual factors are at play, such as socio-economic status, religion and ethnicity that act as moderators (Gershoff 2002: 551-564).

A meta-analysis of research indicated that corporal punishment is associated with a number of undesirable behaviours and experiences, such as decreased moral internalisation; increased child aggression; increased child delinquent and anti-social behaviour; decreased quality of relationship between a parent and a child; decreased child mental health; increased risk of becoming a victim of

physical abuse; increased adult aggression; increased adult criminal and anti-social behaviour; decreased adult mental health; and increased risk of abusing one's own child or spouse. Corporal punishment was associated with only one desirable type of behaviour: increased immediate compliance (Gershoff 2002: 544). Broadly speaking, Saunders and Goddard (2010) support Gershoff's conclusions and, interestingly, provide several pages of quotations by children and parents alike, as perpetrators and victims, respectively. These quotations illustrate the emotional responses to corporal punishment such as fear, anger, defiance, indifference or loss of love on the part of the children, and remorse and guilt by the parents.

This apparently unequivocal conclusion is questioned by Larzelere (2000) who argues that the findings warrant qualification. He contends that much research fails to take account of the complexity of the phenomenon and fails to distinguish between effective and counter-productive physical punishment. As a result, he claims that the unconditional anti-spanking position in many societies lacks conclusive empirical evidence (Larzelere 2000:218-219).

While Paolucci and Violato (2004), in their meta-analysis of corporal punishment research, tend to agree with Gershoff, they take a modified position to the effect that corporal punishment is not strongly correlated with emotional and behavioural problems in children who have been victims of corporal punishment (Paolucci and Violato 2004: 214). Like Larzelere, they take cognizance of the methodological weakness of many studies and, hence, the inability to draw firm causal conclusions. However, Saunders and Goddard (2010: 141) make the valid point that a rigorous research design with a control group of children who are physically punished and another group which is not would be indefensible in terms of research ethics. These ethical considerations make causation and attribution exceedingly difficult to establish.

Overwhelmingly, the cited findings stem from Western research conducted in industrialised countries (Lansford et al. 2010: 2). An exception is the cross-country study by Lansford et al. (2010) who found – across nine countries (China, Colombia, Italy, Jordan, Kenya, the Philippines, Sweden, Thailand and the United States) – that 54 per cent of girls and 58 per cent of boys had experienced mild corporal punishment, and 13 per cent of girls and 14 per cent of boys had experienced severe corporal punishment by their parents or someone in their household during the month prior to data collection. Seventeen per cent of parents believed corporal punishment was necessary to rear a child. The authors also found considerable variability of reported use of corporal punishment and attitudes to such use. For example, in the Kenya study sample mild corporal punishment was administered to 82 per cent of the girls and to 97 per cent of the boys. The comparable figures for severe corporal punishment were 61 per cent (girls) and 62 per cent (boys). In total, some 44 per cent of Kenyan mothers thought that corporal punishment was necessary to discipline their daughters, while 56 per cent thought the same applied to their sons. The figures were similar for Kenyan fathers, 48 per cent of whom felt it necessary to use corporal punishment to discipline their daughters while 54 per cent of these fathers felt that corporal punishment was necessary to discipline their sons (Lansford et al. 2010: 4).

The fact that most findings on the effects of corporal punishment of children stem from Western societies, presumably means that there are cultural biases in the research material. How applicable are the findings to African societies where practices of child rearing differ for cultural or other reasons? While there are grounds for seeing African cultures as significant modifiers of the findings, there is no reason to totally dismiss the findings based on data emanating from other parts of the world as irrelevant to an African context. After all, the psychological make-up of children is basically the same throughout the world. Consequently, we accept the general findings on corporal punishment as truly detrimental to the wholesome development of children.

4 Corporal punishment in Kenyan legislation

Article 19(1) of the United Nations Convention on the Rights of the Child (CRC) stipulates that signatories shall:

take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Kenya has acceded to and ratified the CRC and is legally bound by its precepts. Hence, section 53, sub-section 1 of the 2010 Constitution of Kenya provides that "[e]very child has the right to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour." This constitutional provision is reiterated in ordinary statutes. Section 127 of the Children Act of 2001 stipulates that persons with parental responsibility, custody, charge or care of a child are liable to fines or imprisoned if they wilfully assault, ill-treat, abandon, or expose a child to conditions likely to cause unnecessary suffering or injury to health, or by any act or omission, knowingly or wilfully causes that child to become, or contributes to his/her becoming, in need of care and protection.

Nevertheless, the legal ban on corporal punishment is weakened by sub-section 127(5) of the Children Act which paradoxically states that "[n]othing in this section shall affect the right of any parent or other person having the lawful control or charge of a child to *administer reasonable punishment* on him (emphasis added)." While the interpretation of 'reasonable punishment' is stretchable, in view of widespread cultural practices it is often taken to mean that corporal punishment is condoned, if administered in lenient forms. For that reason, this sub-section has been considered ripe for repeal or amendment for a long time. But the amendment of the Children Act remains pending.

Under the Education Act, Legal Notice 40 of 1972 – referred to as Education (School Discipline) Regulations – allowed in Regulation 11 that "[c]orporal punishment may be inflicted only in cases of continued or grave neglect of work, lying, bullying, gross insubordination, indecency, truancy or the like." However, this regulation was repealed in terms of the Education (School Discipline Amendment) Regulations, 2000. The change was justified partly by reference to Kenya's ratification of the United Nations Convention on the Rights of the Child (1979) and the African Charter on the rights and welfare of the child (1990), and partly to the harmful effects of corporal punishment on children, both physically and psychologically. Evidence shows that corporal punishment increases rebellion, causes hatred between pupils and teachers, and introduces fear and anxiety, which adversely affect learning and, in turn, lead to poor performance in academic work. It is noteworthy that the amendment of the school discipline regulations occurred prior to the enactment of the Children Act in 2001. However, corporal punishment is widely practiced, notwithstanding its ban in the country. Many parents and teachers are oblivious of the ban. Others are fully aware but they still continue the practice.

The Constitution of Kenya is the supreme law of the land and its apparent contradiction with the ordinary statute and regulations simply means that the constitutional provision takes precedence. Section 2(4) of the Constitution states unequivocally that "[a]ny law, including customary law, that is inconsistent with this Constitution is void to the extent of the inconsistency, and any act or omission in

contravention of this Constitution is invalid." In other words, there is no doubt that corporal punishment is unlawful in Kenya – in households, schools and in society at large.

5 Findings of the survey on corporal punishment

By way of introduction a *caveat* must be inserted: the response rate on certain questions was low. This applied in particular to information regarding income which is notoriously unreliable in any circumstances, but especially in the informal economy. It also applied to many other questions, the answer to which proved difficult for the respondents to remember or know, e.g. the reasons for administering corporal punishment, community responses, or methods of punishment. Therefore, we have to interpret the findings with caution. Nonetheless, the findings do provide indications about the overall picture in terms of prevalence and practice of corporal punishment in the Kibera slum where the study was conducted and be used as a pointer to a countrywide practice.

The discussion below is organised by sections, each devoted to different respondent categories. We start with the parents in the sample. Thereafter, we analyse the data for the teachers, and sub-categories of youth and children.

Parents

Initially, a few background variables warrant presentation. Of the 200 parents in the sample – distributed evenly across the five villages (Makina, Kianda, Katwekera, Laini Saba, and Lindi) – 27.5 per cent were born in Kibera, while 31.5 per cent had lived there for 10 years or more. This suggests a high level of stability of residence. Furthermore, the parents tended to be young. Altogether 70 per cent were below the age of 35. Women predominated in the sample; six out of ten parents were female, probably reflecting the prevalence of female-headed households. Two-thirds of them were married or co-habiting.

Surprisingly, the educational attainment was fairly high. A negligible percentage had no schooling at all. Nearly 30 per cent of the parents had completed primary school or had some education at that level, while 44.5 per cent had completed or had some secondary education. The relatively high percentage of 15.5 had reached middle level college.

One-third of the respondents were not gainfully employed in a formal sense, i.e. as employees in companies or institutions and deriving a regular income therefrom. Instead, they were eking out a living in the informal economy where about one-third were engaged in some undefined business or other, and others in casual work, or unspecified occupations. The sources of error with respect to income derived from these income-generating activities are multiple. Many respondents could not even venture a guess. However, for those who did respond to this question it appears that the income ranged from KES 10,000 to 20,000 per month (as at the time of interviewing in late 2012).

Nine out of ten parents had a fairly good grasp of the meaning of corporal punishment. They saw it either as punishment for bad behaviour (65.5 per cent) or as a form of disciplining a child (25.5 per cent). Only five per cent claimed not to know what corporal punishment means. Significantly, three-fourths seemed to know that corporal punishment is unlawful in Kenya. The knowledge about the nature of corporal punishment and its status as an unlawful practice had been obtained mainly from the mass media (33.5 per cent). Other sources of information included the Children Act, the Constitution, a government circular, and friends. One-quarter could not identify the source(s) of information.

Table 1: Parents' methods of disciplining children

Method of disciplining children	Frequency	Per cent
Beating or caning children	119	62.0
Warning the children	25	13.0
Denying the children food or privileges	5	2.6
Non-physical punishment	43	22.4
Total	192	100.0

When asked what methods Kibera parents generally use to discipline children, 62 per cent of the respondents answered that they beat or cane them to make them obey. Only 13 per cent mentioned warnings (or threats) and even fewer opted for denying children food or privileges. The 22.4 per cent who used non-physical punishment did not specify the methods any further.

Our question about the reasons for disciplining their children left more than one-third of the responses missing, but among those who did administer corporal punishment and did respond, 18.5 per cent stated disobedience, while others (8.2 per cent) said using foul language or fighting, or keeping bad company (7.8 per cent).

Again, when asked about the tools/implements parents used to physically punish their children the response rate was low, nearly half. An array of implements was mentioned by those who did respond. The most frequently stated tools used were a cane, bamboo stick or a pipe (19 per cent), the second most used were a slipper, a sandal or a ruler (11.7 per cent). Some used a belt (8.2 per cent), while others used an electric cable or a wire (3.5 per cent). When asked about the worst methods used, the response rate was also low. However, egregious methods were mentioned, such as burning, tying up with ropes, cutting, using hot metal, and kicking/beating.

Altogether 71.2 per cent of the respondents said that it was mothers who used corporal most. The stated reason was not that mothers were more prone to violent behaviour, but rather that mothers tended to be with their children most of the time and, therefore, had to contend with their perceived misbehaviour. Persons other than parents who used corporal punishment in the household included older siblings, grandparents, uncles or aunts.

Table 2: Most affected age group

Age group	Frequency	Per cent
Below 5 years	70	35.0
5-10 years	18	9.0
11-15 years	17	8.5
16-18 years	7	3.5
Don't know	88	44.0
Total	200	100.0

It appears that children below the age of five are most affected by corporal punishment. The older age groups are much less affected. The reason might be that the youngest are considered more difficult to talk and reason with by their parents than with their older siblings. Hence, non-verbal, corporal punishment is a more prevalent means on the part of the parents to communicate disapproval to the toddlers.

Table 3: Children most affected by gender

Gender	Frequency	Per cent
Male children	79	39.5
Female children	15	7.5
Equally	98	49.0
Don't know	8	4.0
Total	200	100.0

Nearly half of the parents think that boys and girls are equally affected when it comes to corporal punishment, whereas almost four out of ten consider boys to be more exposed to such practices. This is consistent with findings from other research as referred to above.

Table 4: Perceived reasons why boys are more affected

Reason	Frequency	Per cent
Male children are aggressive	5	2.5
Boys are tough-headed	52	26.0
Male children are naughty	13	6.5
Girls are more obedient	6	3.0
Other	6	3.0
Don't know	118	59.0
Total	200	100.0

Parents perceived the reason why boys are more affected by corporal punishment to be their tough-headedness, their naughtiness and their aggression. By comparison, girls are perceived to be more obedient.

As a proportion of the sample, 21.2 per cent of the parents knew of other parents who had been arrested for beating a child. Although most parents did not know the reason for those arrests, 13.5 per cent claimed to know it was because the child had died as a result of the beating, while 7 per cent thought it was because the beating was particularly severe. In other words, what might have been intended as corporal punishment had developed into outright child abuse, even to the point of the child's death. This is consistent with the research referred to above that as a practice corporal punishment is a slippery slope that might lead to serious child abuse.

Notwithstanding observed arrests of parents and serious cases of documented child abuse, two-thirds of the parents in the sample still thought that children needed to be beaten (subjected to corporal punishment) as a method of disciplining them. The views were expressed by some parents that without corporal punishment the children would not listen or would not become morally upright citizens. As a result of corporal punishment, it was thought that they would learn from their mistakes and fear being beaten gain. While 68.4 per cent was of the view that corporal punishment changed the behaviour of the children, 38.2 per cent did not think so.

In this regard, it is significant to note that no distinction was made, on the one hand, between immediate compliance on the part of the children and, on the other hand, long-term effects such as the internalisation of values that, in turn, would ensure that the children did not repeat the misbehaviour. One-third of the respondents, however, took the view that corporal punishment only makes the children more defiant because they do not understand what they did wrong without any explanation, or that it only inflicts unnecessary pain on them. Also, corporal punishment becomes normalised and routinised so that the effect wanes over time as the children are getting used to being punished.

With respect to the consequences of corporal punishment, 19.2 per cent thought running away from home might result, while others (12 per cent) thought it might cause injury or death.

When asked what advice should be given to parents who administer corporal punishment, 19.7 per cent failed to respond. But those who responded advocated in favour of 'punishment with love' without specifying what that meant. Others (19.4 per cent) opted for dialogue and forgiveness, while 13.8 per cent thought guidance and counselling would be a better alternative to corporal punishment.

The above analysis of the parents' responses to a series of survey questions regarding corporal punishment has brought out the following significant findings:

- The concept of corporal punishment is well understood by the overwhelming majority (95 per cent) of parents in Kibera as a crude form of disciplining children.
- Three-quarters of the parents in Kibera know that corporal punishment is an unlawful practice in Kenya and 21.2 per cent claim to know of parents who have been arrested for corporal punishment that has deteriorated into serious child abuse and death.
- The practice of corporal punishment of children is widespread among parents in Kibera and a large percentage of 71.7 per cent of them admits to administering corporal punishment to their own children.
- Parents think corporal punishment is necessary to discipline their children and use methods such as caning, slapping and even harsher means.
- Children below the age of five appear to suffer corporal punishment more than older age groups.
- While 49 per cent of parents think boys and girls are exposed to corporal punishment in equal measure, 39.5 per cent think boys are more exposed to the practice.
- Parents differ in their views on the effectiveness of corporal punishment. While 64.8 per cent think that children change their behaviour in response to corporal punishment, 35.2 per cent do not think so.
- Whereas the consequences of corporal punishment is perceived by 19.2 per cent of the parents to make their children run away from home, 12 per cent think that it may cause injury and even death.
- As an alternative to corporal punishment, 24.2 per cent advocate 'punishment with love' while 19.4 per cent opt for dialogue and forgiveness, and 13.8 per cent opt for guidance and counselling.

Teachers

It should be noted that the overwhelming majority of schools in Kibera are informal, meaning that the majority are not approved by the Ministry of Education. However, since parents attach great value to schooling for their children informal educational facilities have been set up, the cost of which is covered by modest fees that are affordable for Kibera residents, and their payment is spread over time to ease the economic pressure on parents.

Like for the parents, some background information is warranted. The sample of 100 teachers was spread evenly over the five villages in Kibera. Of those who lived within Kibera (14 per cent lived outside) 47.7 per cent were either born there or had lived there for more than 10 years. This attests to a fairly high level of stability in the residency of teaching staff.

Table 4: Age of teachers

Age category	Frequency	Per cent
18 – 26 years	46	46.5
27 – 35 years	33	33.3
36 – 44 years	17	17.2
45 – 53 years	3	3.0
Total	99	100.0

The teachers were fairly young, with 79.8 per cent below the age of 35. The gender balance was a nearly perfect 50-50 per cent male/female distribution. While 51.5 per cent of the teachers were married or cohabiting, 47.5 per cent of them were single.

Table 5: Ethnicity of teachers

Ethnic group	Frequency	Per cent
Luo	37	38.9
Luhya	38	40.0
Kalenjin	10	10.5
Kamba	3	3.2
Kikuyu	7	7.4
Total	95	100.0

Very few respondents refused to identify their ethnic origin, which is somewhat surprising in view of the political sensitivity of the matter. After the disputed 2007 elections there was widespread rioting across the country lasting a full two months (Tostensen 2009; Murunga 2011). Kibera was one of the most affected areas in Nairobi. The residents of Kibera, predominantly hailing from the Western part of the country, where the Luo and Luhya ethnic communities reside, tended to support Raila Odinga as their presidential candidate. However, he lost in an election which was widely seen to be seriously flawed, allegedly owing to interference by the Kikuyu community who supported their kinsman, Mwai Kibaki. The supporters of Odinga perceived the election to have been stolen from them. Their anger led to rioting along ethnic lines where the Kikuyu were pitted against the Luo and to some extent the Luhya. The low number of Kikuyu teachers is probably due to the exodus of Kikuyu from Kibera after the post-election rioting in 2008. The ethnic affiliation of the teachers largely reflects the general ethnic composition of Kibera's residents, with 38.9 per cent of them being Luo and 40 per cent being Luhya.

Table 6: Teachers' educational level

Educational level	Frequency	Per cent
Secondary (not completed)	1	1.0
Secondary	21	21.0
Vocational training	3	3.0
Middle level college	66	66.0
University	9	9.0
Total	100	100.0

Three-fourths of the teachers had either middle level college or university education, while 21 per cent had completed secondary school. In other words, the teachers were basically qualified for their job.

Absolutely all the teachers were aware that corporal punishment was being applied in one form or another. They mentioned several methods, such as caning, slapping, beating, burning, flogging, and kicking. An overwhelming majority of them (93 per cent) was aware that corporal punishment is unlawful in Kenya with reference to the Constitution or the Children Act, although some could not identify the source of this knowledge.

Table 7: Reasons why corporal punishment is unlawful

Reasons	Frequency	Per cent
Causes/leads to injuries/disability	55	55.0
Instils/causes fear	2	2.0
Leads to school drop-out/truancy	8	8.0
Hurts children	28	28.0
Total	93	100.0

The teachers were quite clear about the reasons why corporal punishment is banned. While 55 per cent of the teachers stated that corporal punishment causes or leads to injury and disability, 28 per cent said that it hurts children. Drop-out and truancy were also mentioned as was causing or instilling fear in children.

Almost nine out of ten teachers thought that children were being beaten at home. As to the perceived reasons, they stated failure to do household chores (46.4 per cent), fighting (22.9 per cent), theft and vandalism (17.6 per cent), and poor school performance (13.1 per cent).

At school, the main disciplinary challenges were seen to include rudeness; fighting; failure to complete classwork; indiscipline or insubordination; absenteeism; and theft. To meet these challenges the teachers favoured the use of class prefects/representatives; guidance and counselling; punishment of noise-makers; advice or just ignoring misbehaviour. The 'other' and non-response categories were so large that percentage calculations were meaningless.

Although we did not ask questions about the teachers' own practice of corporal punishment because they would be inclined to be defensive and not report truthfully, we did ask that question in general terms with reference to the teaching profession at large. The respondents then mentioned largely the same as the challenges teachers are facing at school as justification for administering corporal punishment. These were: (a) disobedience, indiscipline, or insubordination (without specification); (b) fighting or making noise in class; (c) spurring improvement of performance; (d) rudeness or use of abusive language; (e) tardiness; (f) or theft.

Regardless of their disinclination towards corporal punishment and knowledge about its unlawful nature, some 63 per cent of the teachers thought that corporal punishment does change the children's behaviour, mainly because the children would fear being beaten again and because they would understand the reason for punishment. However, the 37 per cent who did not think that children would change their behaviour as a result of corporal punishment felt that they would only get used to it as a routine practice and take no notice, or it would simply harden their defiant behaviour.

The teachers' observation of the children's behaviour modification resulting from corporal punishment was contradictory. On the one hand, some claimed to have observed that the children had become more disciplined and responsible, or had become serious and improved their performance. On the other hand, some teachers had observed that the children had become shy, withdrawn and fearful, or more defiant and developing hatred of the teacher. Again, the non-response rate to this particular question was too high to render percentage calculations meaningful.

As alternatives to corporal punishment at school, the teachers ostensibly favoured the following: (a) counselling, advice and guidance; (b) sending miscreants out of class, expel them or isolate them; or (c) warning them or threatening with suspension. A few suggested talking with the parents or giving rewards for good behaviour.

The teachers claimed to have observed the following negative behaviour on the part of the children as a result of corporal punishment: (a) dropping out of school, running away or truancy; (b) injuries, pain and even death; (c) low self-esteem and fear; (d) defiance; and (e) confusion and drop in performance.

When asked whether anybody from any authorities or from a CSO had ever visited the school to talk about corporal punishment, 82 per cent answered in the negative. Furthermore, 58 per cent of the respondents confirmed that they had been taught skills about how to discipline children at school. In that regard, the main emphasis had been put on counselling, dialogue, and talking with parents. But other skills were also mentioned, such as acting like a parent towards children; grounding wrongdoers; creating positive role models; separate girls and boys in the sitting arrangement in class; and involving the children in games and sports.

The above section about the teachers and their relationship to corporal punishment has highlighted the following points:

- An overwhelming majority of the teachers were aware that corporal punishment is unlawful in Kenya, and had a clear appreciation of the reasons why corporal punishment is banned.

- Yet, all the teachers were aware that corporal punishment is, in fact, being applied in one form or another.
- At school, the main disciplinary challenges included rudeness; fighting; failure to complete classwork; indiscipline or insubordination; absenteeism; and theft. To meet these challenges the teachers favoured the use of class prefects/representatives; guidance and counselling; punishment of noise-makers (though without specifying how); advice or just ignoring misbehaviour.
- A total of 63 per cent of the teachers were of the view that corporal punishment does change the children's behaviour, while 37 per cent did not think that it had such an effect.
- The teachers' observation of the children's behaviour modification resulting from corporal punishment appeared contradictory. On the one hand, it was claimed that children had become more disciplined and responsible, or more serious with improved performance. On the other hand, some teachers had observed that children had become shy, withdrawn and fearful, or more defiant and had developed hatred of the teacher.
- Suggested alternatives to corporal punishment included; (a) counselling, advice and guidance; (b) sending delinquents out of class, expel them or isolate them; or (c) warning them or threatening with suspension.
- Some 58 per cent of the teachers confirmed that they had been taught skills about how to discipline children at school, other than corporal punishment.

Children aged 10-14

The sample of children aged 10-14 was distributed evenly over the five Kibera villages. Of all the children in this age category, 68 per cent were either born in Kibera or had lived there for the past 10 years or more. Most of the children (84 per cent) belonged to the upper ages between 12 and 14. There were more boys (59.2 per cent) than girls in the sample. Only 4.1 per cent were double orphans (no parents at all), whereas 20.4 were paternal orphans (no father) and 10.2 per cent maternal orphans (no mother). For a majority of 65.3 per cent both parents were still alive. A majority (58 per cent) live with both parents, while 22 per cent live with their mother only and 14 per cent with other relations. Only 2 per cent lived with their father only. Three-fourths of the respondents in the sample had 1-3 brothers and nearly three-fourths had 1-3 sisters.

Table 8: Ethnic affiliation of children aged 10-14

Ethnic affiliation	Frequency	Per cent
Luo	20	40
Luhya	15	30
Kalenjin	7	14
Kamba	2	4
Kikuyu	2	4
Kisii	1	2
Other	3	6
Total	50	100

In terms of ethnicity, 40 per cent of this age group were affiliated to the Luo community, while 30 per cent belonged to the Luhya. This distribution accords well with the overall ethnic composition of Kibera.

Table 9: Distribution by class level

Class level	Frequency	Per cent
Class 4	14	28
Class 5	6	12
Class 6	14	28
Class 7	13	26
Vocational training	2	4
Other	1	2
Total	50	100

The majority of those in the sample (54 per cent) were in class 6 or 7, although a fair proportion was at a lower class level. Only 4 per cent were undergoing vocational training.

Table 10: Understanding of corporal punishment

Characterisation	Frequency	Per cent
Physical abuse	11	22
Beating	20	40
Disciplining	14	28
Don't know	1	2
Total	46	100

When asked about their understanding of corporal punishment the children had a fairly good notion of what it entailed. The majority saw corporal punishment as a crude method to discipline or correct the behaviour of children, although a significant percentage saw it as physical abuse, not justified as a means of disciplining.

Significantly, 52 per cent of the children in this age group were not aware that corporal punishment is banned in Kenya. In awareness terms, there is clearly a need for advocacy in this regard. The main sources of the knowledge about the unlawful nature of corporal punishment were the Ministry of Education, the schools or grown-ups.

The overwhelming majority (96 per cent) in the sample had been beaten at home. Abusing siblings and failure to do chores were the main reasons. The predominant tools used by the parents or guardians, according to the children, were belt or whip; shoe; cane or stick. When asked to suggest methods parents ought to apply to discipline their children, more than half of the respondents had nothing to suggest. But among those who did make suggestions, 53.4 per cent mentioned talking to the children. Others suggested 'slight beating', whereas some said the children should be assigned duties or taken to church for guidance.

It was found that all children in the sample had been beaten at school, once or more! Most teachers had used a cane or a bamboo stick, alternatively a ruler, a hand or a fist were reportedly used. The perceived reason for being beaten was tardiness, noise-making, failure to do homework, or fighting.

It is significant that many of the children responding mentioned the adverse physical (injury) and mental (absenteeism and fear) effects of corporal punishment, even to the point of dropping out of school altogether.

When asked whether children in general change their behaviour, 82 per cent answered in the affirmative. And when asked about change in their own behaviour the percentage in the affirmative was the same. In other words, corporal punishment was perceived to have the effect of changing behaviour, both in the children themselves and generally. They would stop making noise and stop misbehaving. However, those who thought that the behaviour would remain the same indicated that they became more defiant as they got used to the beating.

The highlights of this section on the 10-14 age bracket can be summarised as follows:

- The children aged 10-14 had a fairly good notion of what corporal punishment entailed.
- Significantly, 52 per cent of the children in this age group were not aware that corporal punishment is banned in Kenya.
- The overwhelming majority (96 per cent) in the sample had been beaten at home.
- Absolutely all children in the sample had been beaten at school, once or more!
- Altogether 82 per cent of the children aged 10-14 thought that corporal punishment changed their behaviour.

Children aged 15-18

The sample of children aged 15-18 was distributed evenly over the five Kibera villages. Of all the children in this age category, 62 per cent were either born in Kibera or had lived there for the past 10 years or more. Most of the children (58 per cent) belonged to the lower age bracket between 15 and 16 years of age. There were slightly more girls (55.1 per cent) than boys in the sample, which was the opposite in the sample for the 10-14 age bracket. Only 10.4 per cent were double orphans (no parents at all), whereas 16.7 per cent were paternal orphans (no father) and none maternal orphans (no mother). A majority (54 per cent) lived with both parents, while 18 per cent lived with their mother only, 14 per cent with their father only, and 14 per cent with other relations. The percentage with 1-3 brothers was 86, while the corresponding figure for sisters was 80. In summary, apart from the age variable the background profiles of the two age brackets – 10-14 and 15-18 – were largely similar, despite some differences of nuance.

Table 11: Ethnic affiliation of children aged 15-18

Ethnic affiliation	Frequency	Per cent
Luo	11	22
Luhya	27	54
Kalenjin	3	6
Kamba	2	4
Kikuyu	4	8
Other	3	6
Total	50	100

In terms of ethnicity, a majority (54 per cent) of the children in this age category hailed from the Luhya community, while 22 per cent were Luo. This distribution departs from that of the younger age bracket in which the Luo were the largest.

Table 12: Children aged 15-18 by class level

Class level	Frequency	Per cent
Not in school	1	2
Class 7	2	4
Class 8	13	26
Form I	8	16
Form II	13	26
Form III	7	14
Form IV	6	12
Total	50	100

The majority of those in the sample (68 per cent) were enrolled in secondary school (Forms I-IV) and a fair proportion (26 per cent) was in the highest class level in primary school. None was undergoing vocational training. Kenya has an 8-4-4 educational system: eight years of primary school, four years of secondary and four years undergraduate studies at the tertiary level. Among those who had not completed primary school, almost everybody referred to early marriage as the reason.

Table 13: Understanding of corporal punishment

Characterisation	Frequency	Per cent
Physical abuse	13	26
Beating to correct behaviour	12	24
Crude disciplining	19	38
Other	3	6
Don't know	3	6
Total	50	100

When asked about their understanding of corporal punishment the children in the 15-18 age bracket had a fairly good grasp of what it entailed. The majority (62 per cent) saw corporal punishment as a crude method to discipline or correct the behaviour of children, although a significant percentage (26 per cent) saw it as physical abuse, not justified as a means of disciplining.

Significantly, 72 per cent of the children in this age bracket were aware that corporal punishment is banned in Kenya. By comparison, 48 per cent of the 10-14 age category possessed that knowledge. The knowledge about the unlawful nature of corporal punishment derived mainly from the mass media, namely radio and television and to some extent from school or the Ministry of Education.

A total of 92 per cent of the sample had been subjected to corporal punishment in the home. The reasons why parents and/or guardians had used this method of disciplining included losing money, not doing chores and keeping bad company. The tools used were a belt or a whip; a slipper or a shoe; a cane or a stick; or a fist or a hand. However, there were many non-responses.

A very large percentage (96 per cent) indicated that they had been subjected to corporal punishment at school. The reasons were noise-making; tardiness; poor performance; and fighting, in that order of importance. The most common tools used were a cane or a bamboo stick, a whip or a belt. Apart from corporal punishment, the teachers used other methods to discipline the pupils, such as suspension; assigning them to heavy chores; counselling or reasoning with culprits.

In response to the question whether children change their behaviour as a result of being subjected to corporal punishment, 72 per cent answered in the affirmative. This contrasts to the responses given by children in the 10-14 age bracket, the corresponding percentage of which was higher at 82. Thus, it would appear that the older children were less deterred by corporal punishment than the lower age groups.

The majority of those who answered in the affirmative suggested fear of being beaten again or a better understanding of the wrongs committed as the principal reasons why behaviour was modified. Those who answered in the negative suggested that the culprits got used to the beating and became more defiant because they did not understand their wrongdoing.

With regards to the consequences of corporal punishment, many suggestions were ventured, e.g. causing (physical) disability. Otherwise the list of psychological consequences comprised causing hatred; instilling fear in the child; dropping out of school; hardening the child; and lower performance.

When asked to propose alternatives to corporal punishment, the youngsters suggested an array of methods. Accounting for a majority of proposals, general guidance was considered effective, including talking to the child and the parent(s); warning the child was also mooted. Slight punishment, denial of privileges, and assignment of duties were also suggested. Developing good role models also featured among the suggestions.

- The children aged 15-18 had a fairly good grasp of what corporal punishment entails.
- Significantly, 72 per cent of the children in this age group were aware that corporal punishment is banned in Kenya. By comparison, only 48 per cent of the younger 10-14 age category possessed that knowledge.
- The overwhelming majority (92 per cent) of the sample had been subjected to corporal punishment beaten at home.
- A very high percentage (96 per cent) of the sample had been subjected to corporal punishment beaten at school.

- A total of 72 per cent of the children aged 15-18 thought that corporal punishment changed their behaviour. This contrasts to the responses given by children in the younger 10-14 age bracket, the corresponding percentage of which was put higher at 82 per cent.

6 Conclusion

This concluding section summarises the above sections and highlights the findings emerging from the survey.

The purpose of this survey was to provide information about the prevalence of corporal punishment in Kibera in Nairobi with a view to underpinning policies and actions by Kenyan authorities and civil society organisations alike in curbing this practice. By way of introduction, reference is made to socialisation as a key institution in any society and the role that corporal punishment is thought to play on that regard.

A review is made of research on the effects of corporal punishment on children. While most of this research stems from the Western world with the cultural bias it involves, the overall findings are considered applicable to Africa and Kenya as well. Notwithstanding some qualifications related to causation and attribution, the robust findings are that corporal punishment is harmful to children's development and inhibits their ability to learn, grow and thrive in their environment. Meta-analyses of research indicated that corporal punishment is associated with a number of undesirable behaviours and experiences, such as decreased moral internalisation; increased child aggression; increased child delinquent and anti-social behaviour; decreased quality of relationship between parent and child; decreased child mental health; increased risk of becoming a victim of physical abuse; increased adult aggression; increased adult criminal and anti-social behaviour; decreased adult mental health; and increased risk of abusing one's own child or spouse. Corporal punishment was associated with only one desirable type of behaviour: increased immediate compliance.

One section is devoted to the legal status of corporal punishment in Kenya. As a signatory to the Convention on the Rights of the Child, Kenya is legally bound by this convention which unequivocally outlaws corporal punishment. The 2010 Constitution of Kenya and the Children Act of 2001 are equally clear on this matter.

The survey has documented that corporal punishment is a widespread practice in Kenyan households and schools. The practice persists despite parents', teachers' and children's awareness that it is unlawful. All the same, it appears that parents and teachers alike feel a need for corporal punishment in order to discipline their children. Being a profoundly religious society, predominantly Christian (except on the coast), many parents and teachers justify their defiance of the law with reference to their religion. The Bible is replete with references to the disciplining of children (and adults, for that matter). The title of this report refers to Hebrews 12: 6-7. Thus, both parents and teachers can claim that when they administer corporal punishment they do so for the love of the children.

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This report forms part of a larger study titled *Advancing the Rights of Children: Assessing the Effectiveness of Transnational Advocacy Networks for Child Rights. Norwegian-Kenyan Civil Society Partnerships Examined*. It was conducted jointly by the African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN) and the Chr. Michelsen Institute (CMI). This particular component presents the findings of a quantitative survey about the forms and prevalence of corporal punishment of children in Kibera, a large slum area in Nairobi, Kenya.