



Teachers' Understanding of Corporal Punishment Legal Policy in Tanzanian Schools

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Abstract: For a long time now, primary schools in Tanzania have been struggling to attain full implementation of the corporal punishment legal policy. Among others, the implementation seems to be affected by teachers' understanding of the policy. This study focused on finding out and establishing teachers' understanding of Corporal punishment legal policy in Tanzania primary schools. The main objective of the study was to establish teachers' understanding of corporal punishment legal policy in Tanzanian schools. The sample used in this study were primary school teachers from ten primary schools in Shinyanga rural area. The decision on sample used based on the objective of the study as teachers are main practitioners of the policy. The findings of the study show that, there is different understanding of the policy among teachers, teachers are not aware of sanctions that result from breaking the policy and there is no follow up done by the government on the implementation of the policy in schools. The following recommendation are made 1. There is a need for the responsible body of the government to conduct training on the policy to raise awareness of it among teachers in schools. 2. Follow up of the implementation should be done and communicated to education stakeholders, including teachers, to see challenges and finding collective ways to mitigate them.

Keywords: Corporal Punishment, Policy, Sanctions, Stakeholders, training, teachers, Practitioners

How to cite this work (APA):

Ntebi, E. S. & Mbennah, E. D. (2022). Teachers' understanding of corporal punishment legal policy in Tanzanian schools. *Journal of Research Innovation and Implications in Education*, 6(3), 157 – 165.

1. Introduction

Apparently, management of misbehavior in schools has attracted attention to many international organizations to call upon various rules that would protect children from all forms of torture, humiliation and exploitation that they may encounter while they are at school. Therefore, abolition of corporal punishment use in schools and home is an important issue that has widely spread in both developing and developed countries (Cicognani, 2004). Many countries are concerned with ways they can abolish corporal punishment in schools (Kambuga, Manengo and Mbalamula, 2018). The process that is used to ensure schools attain total abolition of corporal punishment in schools and homes is worldwide referred as the civilization process where children are not referred to as

an instrument that can change behavior through corporal punishment (Mitchell, 2010).

Globally, countries and other education institutions have been working hard to ensure abolition of corporal punishment in schools (Heckler, Hermenau, Isele & Elbert, 2014). The United Nations has clearly stated that use of corporal punishment in schools violates the convention on the rights of the Child (Heckler, Hermenau, Isele & Elbert, 2014). However, corporal punishment is legally prohibited in schools in 128 countries and allowed in 71 countries, which equal to 35% of all countries (Global Initiatives, 2016). It is abolished in Europe and most of South America and East Asia. Three developed countries are outliers that continue to allow school corporal punishment: Australia, the Republic of South Korea, and the United States (Mitchell, 2010). In Australia, school corporal punishment is banned in 5 of its

8 states and territories, while in the United States it is banned from public schools in 31 of the 50 states (Global Initiative, 2016).

In this vast technology changing world, developing 21st century skills to students in third world countries is important. However, in order to succeed in developing these skills, it is very important to address issues pertaining to behavior management in schools and home at large. Inquisitive and creative mind will not be attained by our students in schools if teachers and parents will not manage students' behavior (Ntebi & Mbennah, 2021). As such, a number of international laws and treaties with respect to child safety, protection and welfare have been passed and ratified by many countries, including Tanzania.

Ntebi (2018) argues that, student need to be treated in a positive way that will not create fear in their mind to try new things. With this argument, it is important to ensure that there is a policy to guide teachers on how to administer punishment to students. However, it is very important to note that this task needs to be understood by both teachers and parents for successful implementation (Fullan, 2000).

Ntebi & Mbennah (2021) affirm that students' behavior management is the role of both teachers and parents. They further add that both parties are responsible for ensuring that they develop positive behavior. Behavior management can be positive guidance or can be an impulsive method aiming at correcting or controlling one's behavior (Pepa, Gomez-Tejedor, Pablo, & Rufino, 2016). Henceforth, teachers and parents need to have same understanding with regard to behavior management in all contexts. In ensuring good behavior, management of students' behavior in schools, Tanzania legalized the use of it though it developed the policy that would enable good administration of punishment that would not harm students in any way (Newell, 2006).

The legalized use of corporal punishment in managing students' disciplinary problems emerged from the Corporal Punishment regulations of 1978 under section 60 of the Education Act). In addition, the Tanzania Education Act number 25 of 1979 gave powers to the Minister of Education to develop policies that enable management of discipline in schools (Newell, 2006; Ntebi, 2018). This regulation was moderated in 2000 to enable oversight, unfortunately, the moderation still reserved the use of corporal punishment in dealing with misbehaviors in schools (Ntebi, 2018). The moderation however focused on ensuring minimization of corporal punishment use in schools.

Despite the amendment of the Act in 2000, which was made in order to enable oversight of the policy (Newell, 2006); the amendment retained the use of corporal punishment in managing students' behavior. Therefore,

the use of corporal punishment is still used as a method of dealing with misbehavior and indiscipline in schools. With legal support on the application of corporal punishment, Tanzania established a policy to regulate corporal punishment in schools. The question at hand pertains to the understanding of teachers in regard to corporal punishment policy. The purpose of this paper is to establishing teachers' understanding of corporal punishment legal policy in Tanzanian schools. The questions that guided the study were:

1. What understanding do teachers have on corporal punishment legal policy in Tanzanian primary schools?
2. What considerations do teachers in Tanzanian primary schools have on sanction for breaking corporal punishment legal policy?
3. Which kind of follow up should be done by the government to ensure implementation of the corporal punishment legal policy in Tanzanian schools?

2. Literature Review

As asserted earlier, management of misbehavior and indiscipline matters in schools has attracted attention to many international organizations to call upon various rules that would protect children from all forms of torture, humiliation and exploitation that they may encounter at school, caring centers or at home (Ntebi & Mbennah, 2021). As such, a number of international laws and treaties, with respect to child safety, protection and welfare have been passed and ratified by many countries, including South America and East Asia, Australia, the Republic of South Korea, United States, Egypt, Kenya and Tanzania (Global Initiative 2016). It is important to note that, each of the mentioned countries has different policy and rules that they use to combat and or abolish the use of corporal punishment. This section will briefly present meaning of corporal punishment, corporal punishment law in Tanzania and Corporal punishment policy of Tanzania.

2.1 Corporal punishment

Corporal punishment can be defined as the use of physical force with intention of causing pain, but not injury, aiming at correcting or controlling a child's incorrect behavior (Gershoff , 2008; Pepa, *et. al.*, 2016). This method of managing behavior, which is admitted mostly as reactive rather than proactive, has been argued as ineffective insofar as management of behavior of children both at home and in schools is concerned.

According to the UN Committee on the Rights of the Child, the purpose and intention of the corporal punishment administration is to cause some degree of pain or discomfort, although it should not exceed (U.N. Committee, 2001). It may include physical pain created by a variety of methods, including paddles, excessive

exercise drills, or requiring students to assume painful body positions (Northington, 2007).

Generally, the term corporal punishment is defined in term of any physical force application over the body of a child with the purpose of causing some degree of pain aiming at changing some behaviors that are thought to be unacceptable by the one giving the punishment. Therefore corporal punishment is used as the penalty for a misbehavior that has been disapproved or prohibited. In Tanzanian context, different places where corporal punishment is administered include homes, retention centers, and schools (Gwando, 2012; Newell, 2011).

2.2 Tanzania law regarding corporal punishment

In Tanzania Penal Institution, corporal punishment is lawful as a disciplinary measure. However, the Law of the Child Act 2009, prohibits “torture, or other cruel, inhuman punishment or degrading treatment” (Article. 13), but regulations under the Act permits corporal punishment. This implies that a conflict between the law on corporal punishment and its respective regulations draws attention to the need of reviewing and possibly amending such laws and acts so that they should have the same statements (Newell, 2011).

Similarly, in 2012 a law on child protection at home was passed. The law stipulates the child’s right to protection from “all forms of violence” when he or she is at home (Article. 4(1) and 52). But also, this law allows the use of corporal punishment “as the last option” (Article. 43) (8), implying that corporal punishment is permitted but is only to be used “as a last resort and in exceptional circumstances, and on condition that, (a) the decision to opt for corporal punishment has been arrived at after careful consideration of all the facts; (b) the use of the punishment is justified under the Education Corporal Punishment Regulations; (c) the child has been given the opportunity to challenge the disciplinary measure before it is administered; (d) a maximum of four strokes are administered; (e) the punishment is administered by the Manager; and (f) the punishment is documented in the Behavior Management Register.”

According to Article 44 of the Act in reference, with the exception of corporal punishment, physical force and restraints should not be used as punishment against the child (Newell, 2011). The Law of the Child (Approved Schools) Rules 2011 also provides for corporal punishment in article 46, where it states that: “(7) Corporal Punishment is permitted, but shall be used only as a last resort and in exceptional circumstances, provided that: (a) the decision to resort to corporal punishment is arrived at after careful consideration of the facts; (b) all other available disciplinary measures have been considered and determined to be inadequate; (c) the use of Corporal Punishment is justified”. Thus, Tanzania has corporal punishment of school children and children in general and

rules that define the scope and exclusions of the application of corporal punishment.

2.3 Corporal punishment policy of Tanzania

The Tanzania Education Act number 25 of 1978 gave powers to the Minister of Education to develop policies that enable management of discipline in schools. The legalized use of Corporal Punishment in managing student’s disciplinary problems emerged from the Corporal Punishment regulations of 1979 under section 60 of the Education Act. This regulation was moderated in 2000 to enable oversight, but still retained Corporal Punishment as a method of dealing with major offences in schools. The regulation states that Corporal Punishment means punishment by striking a pupil on his hand or on his buttocks, normally covered with clothes that one is wearing, with a light, flexible stick but excludes striking a child with any other instrument or on any other part of the body. Furthermore, the regulation states that;

1. Corporal Punishment may be administered for serious breach 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.
2. Corporal Punishment shall be reasonable having regard to the gravity of offence, age, sex, and health of the pupils and shall not exceed four strokes on any occasion.
3. The head of the school in his discretion may administer Corporal Punishment or may delegate his authority in writing to a carefully selected member of his teaching staff, provided that the authorized member of staff may act only with the approval of the head of the school on each occasion when Corporal Punishment is administered.
4. A female student may only receive Corporal Punishment from a female teacher except where there is no female teacher at the school in which case the head of school may himself administer Corporal Punishment or authorize in writing a male teacher to administer Corporal Punishment.
5. In occasions on which Corporal Punishment is administered it shall be recorded in a book kept for the purpose and such record shall state in each instance the name of the student, the offense or breach of discipline, the number of strokes and the name of the teacher who administered the punishment. All entries in this book shall be signed by the Head of School (Kambuga, Manyengo, & Mbalamula, 2018).

3. Methodology

The study used mixed approach, the design for this study was descriptive design which applied questionnaire and interviews as tools to collect the data. The data were collected from primary school teachers in Shinyanga rural areas. It involved teachers only from primary schools, where 137 teachers participated from 10 primary schools. The sample size was determined using Yamane formula of 1967. Wherein the total sample size for the study was 207.

$$n = \frac{N}{1 + (e)^2}$$

Wherein; n=sample size N=Population e=confidence level (95%) Standard deviation 5% (0.05)

$$n = \frac{207}{1 + 207(0.05)^2}$$

$$n = \frac{207}{1.51}$$

$$n=137$$

The choice of the sample was supported by the claim made by Invocavity (2014) study on corporal punishment in which she argued that the teachers, should be part of a study related to corporal punishment because these are the practitioners of corporal punishment. In any case, this sample size was deemed adequate for the study. Furthermore the selection of the sample to be used relied much on factors such as relevant of the sample chosen to the phenomena under study. The sampling technique used was purposive sampling. Data collection was done in respect of the study specific objectives using self-administered questionnaires and personal interviews. The data collected were analyzed using Statistical Package for Social Science (SPSS) software for quantitative data, and for qualitative data Microsoft excel was used to organize and analyze data.

2.4 Reliability and validity

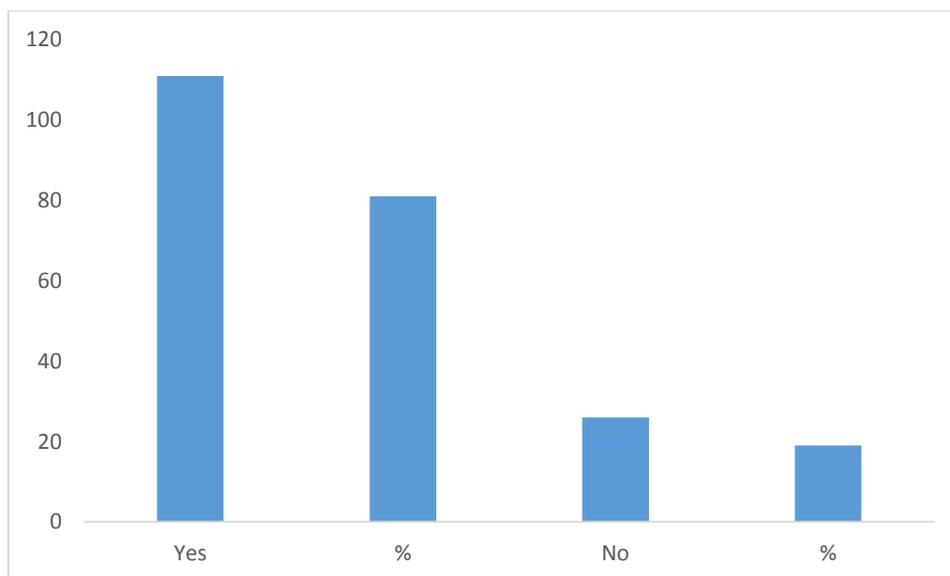
Reliability means the consistence of the data collection instruments at any point of time (Kothari, 2011). The reliability is the extent to which results are consistent over time and an accurate representation of the total population of the study (Stake, 2010). It also includes trustworthiness to real life, context authenticity, comprehensiveness, honesty, depth of response and meaningfulness to the respondents (Stake, 2010). To ensure the reliability in this study the researcher collected data from natural environments (schools) by the use of interview and questionnaire. The researcher provided ample time for the respondents to air out their views and experiences on the topic under the study for the aim of getting the intensity of their responses.

Validity means the ability to measure what is intended to be measured (Kothari, 2008). Triangulation method is used to ensure validity. Triangulation means using more than one method to collect data on the same topic (Creswell, 2012). In this study, validity were achieved through triangulation techniques, which according to Patton (2002), is based on the premises that, no single method ever adequately solves the problem of rival explanation.

4. Results and Discussion

4.1 Teachers understanding of the policy

The findings show teachers have different understanding on CPP, results indicate the difference in responding to the sections of the policy wherein only 19% of respondents were able to clearly explain on CPP guideline. The below chart presents the summary of the findings



From the above chart, majority teachers 111 (81%) understood that, there is policy that guides on how they should punish pupils. However, only 26 (19%) could mention all the section of the guideline and could follow it. This number shows that in very school visited, only two teachers could clearly explain the policy, the rest of teachers, (111) could only mention one or two of the CPP guidelines. They confessed that it was not possible to follow the guideline procedures.

Surprisingly, despite the growing awareness on the presence to teachers, there has been no much progress on attaining the full implementation of the policy aspects. Apparently, Corporal Punishment remains to be a common practice in schools. This claim concurs with the findings by Hassan & Bali (2013, p. 4) which also found Corporal Punishment was a common practice in Zanzibar despite the policy and campaign to stop it.

On other hand, when teachers were asked on their understanding of the policy during the interview session, some were straight forward to the point as one of the respondent after the question quickly and straight forward replied;

It is a policy that was set up by the Ministry of Education for the adjustment of the bad behavior of pupils of primary schools. I think this policy has set a minimum of two strokes for the teacher to administer to the pupil. Only heads of schools are allowed to administer unless otherwise allowed to do it. Also the policy allows only two strokes not otherwise.

From teachers' response the following were observed;

First, it seems that the teachers did not have the same understanding of the policy and the section on Corporal Punishment policy within it. The reason for their differences in understanding it could be because of the decrees that were circulated in schools. Could be some teachers were not reviewing it. Researchers also assume that for the new employed teachers and those who are selected in the position are not well informed about the presence of the policy. It is like they have the concept and information on the presence of the policy but they have not come across with the document concerning Corporal Punishment. Thus the knowledge they have emanated from the other sources not on the actual document.

Secondly, the results disclose the reality on the probability that the ministry has circulated the decree but there is no more follow up on reminding the teachers about the policy as well as reviewing its effectiveness. With such lack of

communication between policy makers and implementers, it can be said to be the source for the violation of the policy by the teachers. Furthermore, the results could mean that the teachers differ on the way they understand the policy and its section because they were not involved during its preparation. Thus, they received it as the second hand information.

Third, results obtained from this question revealed the reason also to why some of countries have failed to achieve the full abolition of Corporal Punishment or adherence to the stated policy. It may suggest that they understand that there is policy however their understanding differs. Also teacher would not recognize such kind of violation. Hence, at the end the way schools implement the policy would actually differ.

The findings are consistent with the study by Gershoff, (2008) who found that the difference in implementation is caused by the way implementers understand and perceive the policy. However, their perceptions on the policy depend much on how they were involved during the policy preparation.

The findings give starting point toward understanding how schools and administration can achieve the implementation of the policy better. This understanding should mark and alert the ministry of education, science and technology on the importance of finding the strategies that will enable the teachers to have the same understanding of the policy that will probably lead to the uniformity in the implementation of the policy among schools.

To knowledge, the results should remind the responsible body that, they need to find the best way that will enable the continuity of informing the teachers that are newly recruited in the professional on the presence of policy. However, the findings do not tell why the results of the understanding differ from one teacher to another. The reason have to be understood first before finding the strategic ways that would ensure the teachers do understand the policy in the same way. At the same time, there is need for the ministry to take into consideration the participation of stakeholders of education during the formulation of the policy. This will ensure and give the opportunity to the responsible people who are to be affected by the policy to have responsibility, accountability and transparency regarding the policy.

4.2 Teachers are not aware on sanctions resulting from breaking the policy

During the course of the study the respondents revealed that there is no clear stipulated sanction for teachers who breakup regulation. From the study 73% of teachers agreed that they have not come across the sanction for

those who broke the policy regulation. Only 37 teachers, (27%), were undecided on the presence of sanction. These results imply that there is no good channel of passing information on the sanction that would be applied to teachers who break the regulation. The policy makers and school management, as well as other stakeholders, have not worked on ensuring that they inform teachers on sanctions.

The response on unclear stated sanction and uncommunicated sanction if they are present concurs with the findings by Wasef (2001) who found that in Egypt, 70% of teachers are neither aware of the sanction nor they have not been informed about it, whereas the percentage of teachers who learned about current policy sanction through information provided by the school is 1%.

This finding implies that there is a gap between the policy and actual practice. Despite the presence of the policy that was circulated in schools, teachers were not informed on what would happen to them if they broke the regulation. This is to say that there is need to conduct training and workshops that would help teachers to have the common understanding of the regulation as well as communicating the sanction for teachers who fail to follow the regulation and sections that are provided in the guideline on how corporal punishment should be administered.

To the practice, this result reveals the need of finding the best and convenient way to enable good, confidential and safe way of reporting the teachers who halt the policy. This will increase awareness among teachers on children right, but also it will increase child right protection when they are at school. To the knowledge the finding actually bears the fruit of understanding that there is lack of connection between government and teachers on communicating some of the directives that are circulated in schools.

During interview, some of the responses were direct to the point while others were not. For example, one of the teachers when asked, respondent replied that:

Do you want me to elaborate this policy which prohibits the child exploitation and dehumanization, but at the same time it is emphasizing that we have to beat them? Surely personally I do punish my students and I cannot really tell what can be the sanction. We have only witnessed in serious cases teachers are taken to court and some of them were jailed

4.3 There is no follow up done by the government on the implementation of the policy in schools

There is no follow up that are made by the responsible body to see the progress of the policy implementation. 86% of respondents have never seen anybody doing the follow-up to see how the policy is implemented. This findings clearly indicates that policy makers are not doing the assessment on the implementation. The assumption on the above claim can be supported by the argument that it is challenging and sometimes impossible to evaluate the policy implementation if there is no follow up that are conducted to see policy enforcers doing it.

Teachers add that the implication of not making follow up is that there is no support from the policy makers and trainings. The respondents said that sometime they receive new teachers who are employed to work in their schools but they are not trained or informed about the policy in operation. Thus, it could be easy for such teachers to breach the rule and violate section of the policy. This indicates that there is need for seminars and workshops to be conducted on the policy and its implementation.

A respondent addressing the issue of policy training and follow up from the government had this to say:

My friend these children are badly beaten at home, sometime when they misbehave they come with their parents at school. A parent may need you to beat a child more than the strokes allowed in the policy. Even if you at school adhere to policy when they are at home there is no policy there so it is like wasting time.

Another respondent said;

Some of the head teachers when they see their teachers are not administering corporal punishment, they judge them as lazy or irresponsible.. Thus, such schools with that nature of administration will not adhere to the policy, truly this is a big challenge facing schools. However, this is as a result of government doing follow up, which could in one way

or another remove such beliefs.

These findings support the study by Hassan & Bali (2013) who reported that teachers, parents and pupils do agree on the use of corporal punishment. Thus, for teachers who want to adhere to the aspects of the policy fail or find themselves being blamed by other teachers or administrative body.

These finding are consistent with the study by (Fullan, 2009) who stated that to take the example of education policy, successful implementation has been evidenced in schools where there is coherence, stability, peer support, training, and engagement. Thus for him, successful system reform means that a small number of powerful actors are interacting to produce substantial impact (Fullan, 2009).

He further argues that, successful implementation implies that 'agencies comply with the directives of the statutes. Agencies are held accountable for reaching specific indicators of success, goals of the statute are achieved, local goals are achieved or there is an improvement in the political climate around the program. Local capacity and will matter for policy success; adequate resources and clear goals are important too. In addition, the implementation process is characterized by a multi-staged, developmental character (Northington, 2007).

Different to the respondents who mentioned the challenges caused by no follow up they do face in implementing the policy. Other respondents claimed that they do not face any challenge because their schools are implementing what was directed by one of the state leaders that the pupils need to be beaten. This was responded by one of the respondents when said

In regard to this, because it has been allowed by state we do not have any challenges that is facing us when implementing what was directed. In addition, when a pupil fails, misbehaves, or comes late to school, what we do is to beat him or her.

That is to say, schools differ in their perspectives on the policy. Some schools are implementing the policy of 2000 and are trying their level best to adhere to the directive of the policy. On the other hand, some of the schools are not following the directive of the policy. They do claim that they have been allowed to give corporal punishment by the head of the state. This challenge now does affect the implementation on the level of the teachers and on the level of schools. Some schools do implement both policies. That is directive of the president and the other that was provided by the ministry.

These results do imply that, there is need for the ministry of education, science and technology to do follow up and emphasis on the policy that is currently working or operating in schools. The situation of having dual policy in one way or another leaves hundreds of teachers in dilemma and thousands of pupils in corporal punishment.

It is clear that the implementation of the policy is currently facing a lot of challenges that have to be removed to ensure the full implementation of the policy. In the same vain, it alters the leaders of the state on the importance of being keen when addressing the public. Such address can cause total destruction to the set objectives. For example, in order for the policy to be formulated it needs the presence of objectives which actually will be as the starting point for the policy process that ends with evaluation.

On the part of the policy, it should fit within the context. Further, in order for the policy to be implemented, it needs to involve all stakeholders. However. the policy targeted goals or objectives need to have the clear time limitation towards the full implementation. Thus, the challenges that are said to cause the failure in the implementation of the policy then, the responsible ministry has to look on the possibility of policy reform which will genuinely fit the context and the current polices of education.

For example, one among the mentioned challenges was the number of the pupils in the schools. This challenge is caused by the introduction of the new policy in schools that is fee free education. With such new policy, there is a big need for the policy makers to look and analyze any necessity of reforming the policy that will cope with the current polices in education which in one way or another can be said to be challenges toward the implementation of the policy. This can only be achieved if the government and all responsible body will be committed towards conducting follow and researches to see how teachers have been implementing the policy.

5. Conclusion and Recommendation

5.1 Conclusion

As stated earlier in this paper, in this vast technology changing world, developing 21st century skills to students in third world countries is important. However, in order to succeed in developing such skills it is important to address issues pertaining to behavior management in schools and home. Inquisitive and creative mind will not be attained by our students in schools if teachers and parents will not manage students' behavior. If children will be treated in a positive way and by following the guidelines that were provided by the government, this will promote participation freedom of the students. Thus students' freedom in learning will enhance their participation in the teaching and learning processes.

5.2 Recommendations

Therefore the following recommendations are proposed:

1. There is a need for the government to conduct training on the implementation of the corporal punishment policy to raise awareness to teachers and other stakeholders.
2. There should be a close follow up on what is happening on the ground in terms of policy implementation.
3. There is a need to include policy issues in school curriculum so that there is awareness from the school to the rest of the stakeholders.

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