**BRIEFING FROM GLOBAL INITIATIVE**

**TO END ALL CORPORAL PUNISHMENT OF CHILDREN**

**BRIEFING FOR THE COMMITTEE ON THE RIGHTS OF THE CHILD**

**PRE-SESSIONAL WORKING GROUP – June 2011**

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**TOGO (third/fourth report)**

**Corporal punishment in the home**

We have yet to establish the legality of corporal punishment in the **home**. The Children’s Code (2007) punishes corporal punishment and physical and psychological maltreatment of children (articles 356 and 357) and there appears to be no legal defence for the use of corporal punishment by parents in this Code or in the Penal and Civil Codes. However, our attempts to obtain Government confirmation that the law is interpreted as prohibiting *all* corporal punishment, however “light”, have to date been unsuccessful.

According to UNICEF’s report on discipline in the home, in Togo in 2005-2006, 91% of children aged 2-14 experienced physical punishment and/or psychological aggression in the month prior to the survey; around 26% experienced severe physical punishment (being hit or slapped on the face, head or ears and/or being repeatedly beaten with an implement “as hard as one could”).[[1]](#footnote-1)

**Corporal punishment outside the home**

Corporal punishment is explicitly prohibited in **schools**, vocational training centres and institutions in article 376 of the Children’s Code. In research by the Forum for African Women Educationalists (FAWE) which included interviews with children in their last 3 years of primary school, 88% of the girls and 87% of the boys reported experiencing physical violence at school; 52% of girls and 48% of boys reported experiencing threatening behaviour or psychological violence.[[2]](#footnote-2)

In the **penal system**, corporal punishment is unlawful as a sentence for crime under the Criminal Code and the Code of Criminal Procedure. It is also unlawful as a disciplinary measure in penal institutions. The Children’s Code states that children in conflict with the law should be treated with humanity and with respect for their human dignity and prohibits inhuman, cruel and degrading treatment (article 347), and explicitly prohibits corporal punishment in institutions (article 376).

With regard to **alternative care settings**, corporal punishment is unlawful in care institutions under the Children’s Code, but we have yet to confirm that the prohibition applies to other forms of care, including public and private, foster care, etc, and to all forms of corporal punishment, however “light”.

**The Committee on the Rights of the Child has twice recommended that Togo prohibit corporal punishment of children in all settings including the home – in its concluding observations on the state party’s initial report in 1997 (CRC/C/15/Add.83, para. 40) and on the second report in 2005 (CRC/C/15/Add.255, para. 39).**

**The third/fourth state party report to the Committee on the Rights of the Child (paras. 113-123) describes the provisions in the Children’s Code prohibiting corporal punishment. In light of the Committee on the Rights of the Child’s General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment” and the importance of eradicating this form of violence given by the UN Secretary General’s Study on Violence against Children, we hope the Committee will seek confirmation from the state party that the prohibition applies to all corporal punishment, however light, including by parents and other carers, and recommend that the state party carry out appropriate public education and awareness raising to support elimination of corporal punishment in practice.**

*Briefing prepared by the Global Initiative to End All Corporal Punishment of Children*

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1. UNICEF (2010), *Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries*, NY: UNICEF [↑](#footnote-ref-1)
2. Plan Togo (2006), *Suffering to Succeed? Violence and abuse in schools in Togo*, Lome: Plan Togo [↑](#footnote-ref-2)