

BRIEFING FROM GLOBAL INITIATIVE
TO END ALL CORPORAL PUNISHMENT OF CHILDREN

BRIEFING ON TOGO FOR THE HUMAN RIGHTS COMMITTEE

COUNTRY REPORT TASK FORCE – July 2010

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TOGO (fourth report – CCPR/C/TGO/4)

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 in this or in the Penal and Civil Codes available to parents who use corporal punishment in childrearing. However, our attempts to obtain official confirmation that the law is interpreted as prohibiting *all* corporal punishment, however "light", have been unsuccessful. According to statistics from UNICEF on violence in the family, 90% of children aged 2-14 experienced physical punishment and/or psychological aggression in 2005-2006; of girls and women aged 15-49, 53% think that a husband is justified in hitting or beating his wife under certain circumstances.¹

Corporal punishment is prohibited in **schools**, vocational training centres and institutions in article 376 of the Children's Code. It is unlawful in the penal system under the Criminal Code and the Children's Code. In alternative care settings, corporal punishment is prohibited in institutions under article 376 of the Children's Code, but we have yet to establish that this article and articles 356 and 357 (see above) would effectively prohibit corporal punishment in all forms of care, formal and informal, public and private, foster care, etc.

The Committee on the Rights of the Child recommended explicit prohibition of corporal punishment in all settings, including the home, in 1997 (CRC/C/15/Add.83, Concluding observations on initial report, paras. 17 and 40) and 2005 (CRC/C/15/Add.255, Concluding observations on second report, paras. 38 and 39).

We hope that the Human Rights Committee will seek to establish the legality of corporal punishment of children in the home and all forms of alternative care, in particular regarding the interpretation of the prohibition in the Children's Code as applying to all forms of corporal punishment and to all persons caring for children – and, where there are limitations, recommend that prohibition be made fully comprehensive. We hope the Committee will urge the state party to conduct widespread public education and professional training to ensure full implementation of the law.

¹ UNICEF (2009), *Progress for Children: A report card on child protection*, NY: UNICEF