

Corporal punishment of children in Chad: Briefing for the Universal Periodic Review, 17th session, 2013

From Dr Sharon Owen, Research Coordinator, Global Initiative,
info@endcorporalpunishment.org



Global Initiative to
**End All Corporal Punishment
of Children**

Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.

In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies and also regional human rights mechanisms have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment as a matter of priority.

The Global Initiative to End All Corporal Punishment of Children has regularly briefed the Committee on the Rights of the Child on this issue since 2002, since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, and in 2011 began briefing the Committee on the Rights of Persons with Disabilities. There is growing progress across all regions in challenging this common form of violence against children. But many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope the Working Group of the UPR will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies on this issue, as well as to the recommendations made during the first cycle of the UPR.

Corporal punishment of children is lawful in Chad despite the Government's acceptance of recommendations on the issue made during the UPR in 2009 and repeated recommendations by the Committee on the Rights of the Child and the Committee Against Torture.

We hope the Working Group will note with concern the legality of corporal punishment in Chad – and the immediate opportunities to address this in the context of current law reform initiatives. We hope states will raise the issue during the review in 2013 and recommend to Chad that legislation is enacted to explicitly prohibit corporal punishment of children in all settings, including in the home, as a matter of priority.

1 The review of Chad in the first cycle (2009)

- 1.1 Chad was reviewed in the first cycle of the Universal Periodic Review in 2009 (session 5). The issue of corporal punishment of children was raised in an advance question by Hungary, in the compilation of UN information¹ and in the summary of stakeholders' information.² The following recommendation was made and was accepted by the Government:³
- “Take all necessary legislative and policy measures to address and prevent all forms of violence against children in all settings, including corporal punishment, and to strengthen the awareness-raising activities (Slovenia)”
- 1.2 National laws in Chad are being reviewed with a view to harmonisation with international standards. Since the initial UPR, a number of draft laws have been under discussion, including a draft Family Code, a draft Child Protection Code and draft amendments to the Criminal Code. Information provided to the Global Initiative in 2010 indicated that discussion had stalled due to pressure from religious groups: we are currently seeking updates on any progress made, as well as to ascertain if prohibition of corporal punishment is being included in these drafts.
- 1.3 In the absence of law reform, the legality of corporal punishment of children in Chad is the same today as in 2009: it is lawful in the home, penal institutions and alternative care settings.

2 Legality of corporal punishment in Chad

- 2.1 ***Home (lawful)***: According to article 222 of the Constitution 1996 (amended 2005), international treaties have supremacy over domestic legislation when they are ratified and published. However, corporal punishment is not explicitly prohibited in law and provisions against violence and abuse in the Penal Code, the Constitution and Act No. 06/PR/2002 on the promotion of reproductive health are not interpreted as prohibiting corporal punishment in childrearing.
- 2.2 ***Schools (lawful)***: Corporal punishment is unlawful under article 113 of Law No. 016/PR/06 on the education system, which prohibits “beatings and other forms of violence or humiliation”.
- 2.3 ***Penal system (not fully prohibited)***: Corporal punishment is unlawful as a sentence for crime under Act No. 07/PR/1999 concerning criminal procedures for children aged 13-18 years and Act No. 04/PR/1998 on the organisation of the judiciary. The Constitution (article 18), the Penal Code (article 247) and Act No. 06/PR/2002 prohibit torture and degrading and humiliating treatment. There is no explicit prohibition of corporal punishment as a disciplinary measure in penal institutions. Article 9 of Decree No. 269/PR/MIS/IGSP/1995 on the Code of ethics of the national police states that the use of force should be limited to what is strictly necessary and commensurate to the goal to be achieved, and article 10 prohibits violence and inhuman or degrading treatment against persons under the responsibility of the police, but there is no explicit prohibition of corporal punishment.

¹ 11 March 2009, A/HRC/WG.6/5/TCD/2, Compilation of UN information, para. 31

² 23 February 2009, A/HRC/WG.6/5/TCD/3, Summary of stakeholders' information, para. 23

³ 5 October 2009, A/HRC/12/5, Report of the working group, para. 82(37)

2.4 *Alternative care settings (lawful)*: There is no explicit prohibition of corporal punishment.

3 Recommendations by human rights treaty monitoring bodies

3.1 **CRC**: The Committee on the Rights of the Child first expressed concern about corporal punishment of children in Chad – and recommended its prohibition in all settings including the home – following examination of the state party’s initial report in 1999.⁴ The Committee reiterated its concerns and recommendations in 2009.⁵

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
www.endcorporalpunishment.org; info@encorporalpunishment.org
March 2013

⁴ 24 August 1999, CRC/C/15/Add.107, Concluding observations on initial report, para. 25

⁵ 12 February 2009, CRC/C/TCD/CO/2, Concluding observations on second report, paras. 45 and 46