



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

BENIN

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 2nd session, 2008

From Peter Newell, Coordinator, Global Initiative

info@endcorporalpunishment.org

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.

The Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and 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. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.

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, setting a goal of 2009.

This briefing describes the gaps in prohibition in Benin, despite repeated recommendations by the Committee on the Rights of the Child.

We hope the Review will highlight with concern Benin's record of ignoring treaty body recommendations and strongly recommend that Benin introduce legislation as a matter of urgency to prohibit corporal punishment of children in all settings, including in the home.

I: Legality of corporal punishment in Benin

The home

Corporal punishment of children by parents is lawful in the **home**. It is also common for *vidomégons*, children traditionally placed with other families for the purpose of education or employment, to be victims of maltreatment and high levels of physical violence.

Children have some protection from ill-treatment and neglect by parents or guardians under the Criminal Code, the Code on Persons and the Family (2004) and the Constitution (1990).

Schools and other settings

Corporal punishment is prohibited in **schools** (structured formal education) by Circular letter No. 100/MENC (1962), but not in law. We have been unable to ascertain whether this prohibition also applies to the traditional system of education where children are educated within the local family and community environment in accordance with current rituals and customs.

In the **penal system**, corporal punishment is unlawful as a sentence for crime, but there is no explicit prohibition in law of its use as a disciplinary measure in penal institutions (including private and state-run homes and boarding schools, and juvenile rehabilitation centres).

There is no explicit prohibition of corporal punishment in **alternative care settings**.

II: Recommendations by human rights treaty monitoring bodies

The **Committee on the Rights of the Child** first expressed concern about corporal punishment of children in Benin in 1999, in its concluding observations on the state party's initial report (CRC/C/15/Add.106, para. 19). In 2006, the Committee examined the state party's second report and observed that "the national legislation in some areas, inter alia corporal punishment, has still not been brought into full conformity with the Convention" (CRC/C/BEN/CO/2, para. 9). The Committee went on to reiterate its concern "that corporal punishment is lawful in the home and institutions" (para. 39) and to recommend that the state party (para. 40):

- "a) explicitly prohibit corporal punishment by law in the family, schools and institutions and implement existing prohibitions;
- b) conduct a comprehensive study to assess the causes, nature and extent of corporal punishment as well as an evaluation of the impact of measures undertaken so far by the State party to reduce and eliminate corporal punishment;
- c) introduce public education, awareness-raising and social mobilization campaigns on the harmful effects of corporal punishment with a view to changing the general attitude towards this practice and promote positive, non-violent, participatory forms of child-rearing and education;
- d) ensure that an educational programme be undertaken against corporal punishment, insisting both on the child rights and psychological aspects; and
- e) ensure recovery and social reintegration of victims of corporal punishment."

In November 2007, the **Committee Against Torture** raised concerns about corporal punishment of children in schools and the family, and recommended prohibition be enacted in those settings (CAT/C/BEN/CO/2, Unedited Version, Concluding observations on second report, para. 23):¹

"Tout en notant que la législation de l'État partie interdit les châtements corporels dans les écoles (circulaire 100/MEN/CAB de 1962), le Comité demeure préoccupé par l'absence d'une

¹ As at 17 December 2007 English translation unavailable

législation les interdisant dans la famille et d'autres institutions que l'école. Le Comité est également préoccupé par le recours fréquent à cette pratique dans l'éducation au Bénin.

L'État partie devrait élargir la législation interdisant les châtiments corporels à la famille et d'autres institutions que l'école. L'État partie devrait veiller à ce que la législation interdisant les châtiments corporels soit strictement appliquée et mener des campagnes de sensibilisation et d'éducation en ce sens.”