

**BRIEFING FROM THE GLOBAL INITIATIVE  
TO END ALL CORPORAL PUNISHMENT OF CHILDREN**

**BRIEFING ON REPUBLIC OF CONGO FOR THE COMMITTEE ON THE ELIMINATION  
OF DISCRIMINATION AGAINST WOMEN  
PRESESSIONAL WORKING GROUP – February/March 2012**

*From Peter Newell, Coordinator, Global Initiative*

[info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)

**The human rights obligation to prohibit corporal punishment of girls and boys**

The legality and practice of corporal punishment of girls breaches their fundamental rights to respect for their human dignity and physical integrity, to equality under the law and to protection from all forms of violence – rights guaranteed in the Convention on the Elimination of All Forms of Discrimination Against Women and other international human rights instruments. There are strong links between corporal punishment of children – girls and boys – and all other forms of violence, including gender-based violence: as the Committee on the Rights of the Child emphasised in its General Comment No. 8 (2006),<sup>1</sup> addressing corporal punishment is “a key strategy for reducing and preventing all form of violence in societies”. This briefing describes the legality of corporal punishment of children in the Republic of Congo and urges the Committee on the Elimination of Discrimination Against Women to include the issue in its examination of the state party’s implementation of the Convention.

**Corporal punishment of children in the Republic of Congo**

In the Republic of Congo, corporal punishment of girls and boys is lawful in the home, penal institutions and alternative care settings. It is reportedly unlawful in schools (information unconfirmed). The state party report to the Committee on the Elimination of Discrimination Against Women (CEDAW/C/COG/6) mentions sexual violence against girls but makes no reference to the violence that may lawfully be inflicted on girls in the name of discipline.

In the home, children have some protection from violence under the Criminal Code, the Family Code (1984) and the Constitution (1992), but the relevant provisions are not interpreted as prohibiting all corporal punishment in childrearing.

We have been unable to verify assertions that corporal punishment is prohibited in schools.

In the penal system, corporal punishment is unlawful as a sentence for crime under the Code of Criminal Procedure (1963) and the Constitution, but it is not explicitly prohibited as a disciplinary measure in penal institutions.

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

**Recommendations by human rights treaty monitoring bodies**

In its concluding observations on the state party’s initial report in 2006, the Committee on the Rights of the Child expressed concern at the absence of an explicit prohibition of corporal punishment in the home, alternative care and penal institutions and recommended that the state party enact prohibition as a matter of priority (CRC/C/COG/CO/1, paras. 37, 38 and 39).

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<sup>1</sup> General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment” is available at [www2.ohchr.org/english/bodies/crc/comments.htm](http://www2.ohchr.org/english/bodies/crc/comments.htm).

**We hope the Committee on the Elimination of Discrimination Against Women will raise the issue of corporal punishment of girls in its List of Issues for the Republic of Congo, in particular asking what legislative and other measures have been taken by the state party to prohibit and eliminate corporal punishment, to ensure girls enjoy their rights as human beings to respect for their human dignity and physical integrity and to equal protection under the law.**

**In light of General Recommendation No. 19 on Violence against women adopted by the Committee on the Elimination of Discrimination Against Women in 1992, of the links between corporal punishment of children and all other forms of violence including gender-based violence, and of the Committee on the Rights of the Child's General Comment No. 8 (2006), we hope the Committee will subsequently recommend to the state party that explicit prohibition of all corporal punishment of children be enacted in relation to all settings, including the home, as a matter of urgency.**

*Briefing prepared by the Global Initiative to End All Corporal Punishment of Children  
[www.endcorporalpunishment.org](http://www.endcorporalpunishment.org); [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)  
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