

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

**BRIEFING ON CHAD FOR THE COMMITTEE ON THE ELIMINATION OF  
DISCRIMINATION AGAINST WOMEN  
PRESESSIONAL WORKING GROUP – January/February 2011**

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**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 Chad 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 Chad**

In Chad,<sup>2</sup> corporal punishment of children is unlawful in schools and as a sentence for crime, but in homes, penal institutions and alternative care settings, girls and boys can lawfully be assaulted in the name of discipline.

In the home, legal provisions against violence and abuse in the Penal Code, the Constitution (1996) and Act No. 06/PR/2002 on the promotion of reproductive health are not interpreted as prohibiting corporal punishment in childrearing. As at November 2010, a draft Family Code, draft Child Protection Code and draft amendments to the Criminal Code were under discussion.

In schools, corporal punishment is unlawful under article 113 of Law No. 016/PR/06 on the education system, which prohibits physical ill-treatment and all other forms of violence and humiliation. However, it continues to be used, especially in Koranic schools.<sup>3</sup>

In the penal system corporal punishment is unlawful as a sentence for crime but it is not prohibited as a disciplinary measure in penal institutions. It is lawful in alternative care settings.

**Recommendations by human rights treaty monitoring bodies**

In its concluding observations on the state party’s second report in 2009, the Committee on the Rights of the Child expressed concern at the practice and legality of corporal punishment and recommended explicit prohibition in all settings, including the family, and effective implementation of the law

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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).

<sup>2</sup> As at 13 December 2010, the state party’s report (CEDAW/C/TCD/1-4) is not available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws50.htm>

<sup>3</sup> 12 February 2009, CRC/C/TCD/CO/2, Concluding observations of the Committee on the Rights of the Child on the second report of Chad, para. 45; 4 June 2009, CAT/C/TCD/CO/1, Concluding observations of the Committee Against Torture on the initial report of Chad, para. 32

(CRC/C/TCD/CO/2, paras. 45 and 46). The Committee made similar recommendations following examination of the state party's initial report in 1999 (CRC/C/15/Add.107, Concluding observations on initial report, para. 25).

The Committee Against Torture examined the initial report of Chad in 2009 and recommended prohibition of corporal punishment of children in families, educational and religious establishments, alternative care institutions and places of juvenile detention (CAT/C/TCD/CO/1, para. 32).

**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 Chad, 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 and all alternative care settings, as a matter of urgency.**

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