



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

**BRIEFING ON TOGO FOR THE COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
PRESESSIONAL WORKING GROUP – March 2012**

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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),¹ 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 Togo. In light of General Recommendation No. 19 on Violence against women (1992) and the links between corporal punishment of children and all other forms of violence including gender-based violence, 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 Togo, asking what measures have been taken to implement the law which prohibits all corporal punishment of children, including in the home, and**
- **welcome, in the concluding observations on the sixth/seventh report, the prohibition of all corporal punishment of children in Togo and recommend that the state party ensure it is fully implemented and enforced.**

¹ 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.

Corporal punishment of children in Togo

In Togo, corporal punishment is prohibited in all settings, including the home.

Corporal punishment is prohibited in the home and in care settings under article 353 of the Children's Code (2007) together with article 357. Article 353 protects children from all forms of violence perpetrated by parents or any other person having control or custody of the child: "The state protects the child from all forms of violence including sexual abuse, physical or mental injury or abuse, abandonment or neglect, and ill treatment by parents or by any other person having control or custody over him" (unofficial translation). Article 357 explicitly includes corporal punishment among the forms of violence that are punishable: "Physical and psychological abuse, corporal punishment, deprivation of care or withholding of food are punished by the penalties provided ..." (unofficial translation).

Corporal punishment is prohibited in schools, vocational training centres and institutions in article 376 of the Children's Code: "Corporal punishment and other forms of violence or abuse are prohibited in schools, vocational training, and institutions. This includes any institution or orphanage, rehabilitation centre for disabled children, reception and rehabilitation centre, hospital, re-education centre or other place of childcare, temporary or permanent" (unofficial translation).

There is no provision for judicial corporal punishment in the Criminal Code and the Code of Criminal Procedure.

Research indicates that there has traditionally been a high prevalence of corporal punishment of children and strong efforts are necessary to implement the prohibiting legislation. For example, a major UNICEF analysis in 2010 found that 91% of 2-14 year olds experienced violent discipline (physical punishment and/or psychological aggression) in 2005-2006 in Togo; more than a quarter of children experienced severe physical punishment (being hit or slapped on the face, head or ears or being hit over and over with an implement); 83% experienced psychological aggression (being shouted at, yelled at, screamed at or insulted).²

Recommendations by human rights treaty bodies

Prior to the achievement of full prohibition in Togo in 2007, the Committee on the Rights of the Child twice recommended prohibition in the family and other settings – in its concluding observations on the initial report in 1997 (CRC/C/15/Add.83, para. 40) and on the second report in 2005 (CRC/C/15/Add.255, para. 39). On both occasions the Committee also recommended awareness raising and education campaigns on the issue.

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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² UNICEF (2010), *Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries*, NY: UNICEF