



Global Initiative to
End All Corporal Punishment
of Children

**BRIEFING ON BENIN FOR THE COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
PRESESSIONAL WORKING GROUP – Feb/Mar 2013**

From Peter Newell, Coordinator, Global Initiative

info@endcorporalpunishment.org

The human rights obligation to prohibit corporal punishment – a key strategy in eliminating all forms of violence

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 Benin. In light of General Recommendation No. 19 on Violence against women (1992), the links between corporal punishment of children and all other forms of violence including gender-based violence, the recommendations of treaty monitoring bodies and the Government’s acceptance of the UPR recommendations to prohibit, 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 Benin, asking what progress has been made towards prohibiting and eliminating corporal punishment in all settings, including the home and all forms of alternative care, and**
- **recommend to Benin, in the concluding observations on the fourth state party report, that corporal punishment is explicitly prohibited in all settings, including the home, in the context of adopting the new Children’s Code.**

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.

1 Benin's fourth report to CEDAW

1.1 The fourth report of Benin to CEDAW (3 November 2011, CEDAW/C/BEN/4 Advance Unedited Version) includes information on measures taken to address violence against women and girls, but its only reference to corporal punishment is in the context of limitations to women's freedom of movement in the practice of some animist cults (para. 112). There is no reference to the everyday corporal punishment – violence in the guise of discipline in childrearing and education – faced by girls and boys throughout the state party, or of the state party's moves towards law reform to prohibit it.

2 The legality and practice of corporal punishment of children in Benin

- 2.1 *Summary:* In Benin, corporal punishment is unlawful as a sentence for crime but it is not explicitly prohibited in any other setting – the home, schools, penal institutions and care settings. Research shows that almost nine out of ten girls are beaten at home and in schools. Prohibition is included in the draft Children's Code currently under discussion.
- 2.2 *Home:* There appears to be no confirmation in written law of a "right" of parents to "correct" children but provisions against violence and abuse in the Code on Persons and the Family 2004, the Criminal Code, the Law on Violence Against Women 2011 and the Constitution 1990 are not interpreted as prohibiting corporal punishment in childrearing.
- 2.3 A draft Children's Code is under discussion. In its October 2011 version, it confirms the right of a child to respect for his or her physical integrity (article 13), states that parents or guardians must ensure that family discipline is administered with humanity and respect for the child's human dignity (article 24), and explicitly prohibits corporal punishment in the family, schools, private and public institutions, and foster care (articles 52 and 115).
- 2.4 *Schools:* Ministerial Circulars No. 100/MENC 1962 and No. 1264/MENCJ 1981 state that corporal punishment should not be used, but there is no prohibition in law. Law No. 2003-17 on the orientation of national education is silent on the issue, stating only that the obligations of pupils and students cover all aspects of their studies, including discipline and compliance with rules (article 56).
- 2.5 A 2009 study involving interviews with girls aged 6-14 and the mothers of girls aged 2-5 and a survey of 4,649 women and 1,550 men found that corporal punishment at home and in schools was very common and that 88.5% of girls aged 2-5, 88% of girls aged 5-9 and 87.7% of girls aged 10-14 had been beaten. When asked about the reasons for violence experienced by girls, 85.5% of interviewees said that it was for "education".²
- 2.6 *Penal system:* Corporal punishment is unlawful as a sentence for crime, though as noted above it is practiced in some animist cults. It is lawful as a disciplinary measure in penal institutions: in 2005, the Government stated that corporal punishment is prohibited in penal institutions,³ but more recently confirmed that there is no explicit prohibition.⁴
- 2.7 *Alternative care settings:* There is no explicit prohibition of corporal punishment.

² Ministère de la Famille et de la Solidarité National (2009), *Les Violences Faites aux Femmes au Bénin*

³ 24 November 2005, CRC/C/BEN/2, Second report to the Committee on the Rights of the Child, para. 314

⁴ Information provided to the Global Initiative, 18 November 2011

3 Recommendations by human right treaty monitoring bodies and during the UPR

- 3.1 *CRC*: The Committee on the Rights of the Child has twice made recommendations to prohibit and eliminate corporal punishment of children in the home and other settings in Benin – in 1999 and in 2006.⁵
- 3.2 *CAT*: In 2008, the Committee Against Torture recommended prohibition of corporal punishment of children in the home and in institutions.⁶
- 3.3 *UPR*: During the Universal Periodic Review of Benin in 2012 (session 14), a number of recommendations were made to prohibit all corporal punishment of children, including to “explicitly prohibit all corporal punishment of children in all settings, including at home and school, in the context of adopting the new Children’s Code, and promote alternative forms of discipline”: the Government accepted the recommendations.⁷

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

⁵ 12 August 1999, CRC/C/15/Add.106, Concluding observations on initial report, para. 19; 20 October 2006, CRC/C/BEN/CO/2, Concluding observations on second report, paras. 9, 39, 40, 41 and 62

⁶ 19 February 2008, CAT/C/BEN/CO/2, Concluding observations on second report, para. 23

⁷ 30 October 2012, A/HRC/WG.6/14/L.7 Unedited Version, Draft Report of the working group, paras. 108(67), 108(68) and 108(69)