



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

BRIEFING ON CENTRAL AFRICAN REPUBLIC FOR THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, PRESESSIONAL WORKING GROUP – Oct 2013

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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), addressing corporal punishment is “a key strategy for reducing and preventing all form of violence in societies”.

The near universal acceptance of a degree of violent punishment in childhood and deeply held views that parents and other adults have a “right” to physically punish children can challenge efforts to achieve prohibition. This situation also means that corporal punishment – at least to some degree – is typically not readily perceived as a violent act in the same way as, for example, sexual and other socially unacceptable forms of violence. Physical violence against girls and boys in their own home is typically assumed not to be domestic violence because it is inflicted under the guise of “discipline” or “correction” – a rationale totally unacceptable when the victim is an adult woman. **It is for these reasons that we respectfully urge the Committee on the Elimination of Discrimination Against Women to specifically recommend that corporal punishment be prohibited in the home and all settings.**

This briefing describes the legality of corporal punishment of children in Central African Republic. 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, and the recommendations of treaty monitoring bodies, 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 Central African Republic, asking what progress has been made towards prohibiting and eliminating corporal punishment in all settings, including the home, and**
- **recommend to Central African Republic, in the concluding observations on the initial to fifth state party report, that corporal punishment is explicitly prohibited in all settings, including the home, as a matter of priority.**

1 The state party's report to CEDAW

- 1.1 The initial to fifth state report of Central African Republic to CEDAW (11 September 2012, CEDAW/C/CAF/1-5 Advance Unedited Version) includes information concerning violence against women but makes no reference to corporal punishment – violence inflicted on girls and boys in the guise of discipline in childrearing and education.

2 The legality and practice of corporal punishment of children in Central African Republic

- 2.1 *Summary*: In Central African Republic, corporal punishment is unlawful as a sentence for crime, but it is lawful in all other settings – the home, alternative care settings, day care, schools and penal institutions.
- 2.2 *Home (lawful)*: Article 580 of the Family Code 1997 states that parental authority includes the power “to reprimand and correct to the extent compatible with the age and level of understanding of the child”. Provisions against violence and abuse in the Family Code, the Penal Code 2010, the Constitution 2004, Imperial Order No. 79/077 covering protection of youth 1979, and Law No. 280 1961 are not interpreted as prohibiting corporal punishment in childrearing. A new Family Code has been drafted and as at January 2012 was under consideration by the Parliamentary Gender Commission: we have yet to verify reports that it would prohibit corporal punishment.
- 2.3 UNICEF's major 2010 analysis of data on child discipline in 2005-2006 found that in Central African Republic 89% of 2-14 year olds had experienced violent “discipline” (physical punishment and/or psychological aggression) in the month before the survey; a third had experienced severe physical punishment (being hit or slapped on the face, head or ears or being hit over and over with an implement).¹ Data collected in 2010-2011 under round 4 of the UNICEF Multiple Indicator Cluster Survey programme (MICS4) found that 92% of 2-14 year olds had experienced violent “discipline”, with 37% being severely physically punished.²
- 2.4 *Alternative care settings (lawful)*: Corporal punishment is lawful in alternative care settings (foster care, institutions, places of safety, emergency care, etc) under the power of those with parental authority to “reprimand and correct” the child in article 580 of the Family Code 1997.
- 2.5 *Day care (lawful)*: There is no prohibition of corporal punishment in early childhood care or in day care for older children. It is lawful under the power of those with parental authority to “reprimand and correct” the child in article 580 of the Family Code 1997.
- 2.6 *Schools (lawful)*: Imperial Order No. 78/034 (1978) covers the physical and moral protection of young persons in residential educational institutions or boarding schools, but does not prohibit corporal punishment.
- 2.7 *Penal institutions (lawful)*: There is no explicit prohibition of corporal punishment as a disciplinary measure in penal institutions.
- 2.8 *Sentence for crime (unlawful)*: There is no provision for judicial corporal punishment in the Penal Code 2010, the Penal Procedure Code 2010 or the Law on the Juvenile Court 1995.

¹ UNICEF (2010), *Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries*, NY: UNICEF

² L'Institut Centrafricain des Statistiques, et des Etudes Economiques et Sociales (2012), *Enquête par grappes à indicateurs multiples MICS, RCA 2010*, Bangui: ICASEES

3 Recommendations by human right treaty monitoring bodies

3.1 *CRC*: In 2000, in its concluding observations on the state party's initial report, the Committee on the Rights of the Child recommended an end to corporal punishment of children by members of the police force and others.³

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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³ 18 October 2000, CRC/C/15/Add.138, Concluding observations on initial report, paras. 44 and 45