



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 – March 2012**

*From Peter Newell, Coordinator, Global Initiative
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),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 Central African Republic. 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 new 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**
- **make recommendations to Central African Republic that corporal punishment is explicitly prohibited in legislation, including the home, as a matter of urgency.**

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.

The report of Central African Republic to CEDAW

CEDAW is examining the Central African Republic in the absence of a report. In 2009, the Committee adopted a list of issues for the state party (15 September 2009, CEDAW/C/CAF/Q/5) which asks about violence against women and about family relations, including the exercise of parental authority, but not specifically about the violence that may lawfully be inflicted on girls by their parents in the guise of “discipline” in childrearing. As at 26 January 2012, there appears to be no written response to this list of issues.

Corporal punishment of children in Central African Republic

In Central African Republic, corporal punishment of children is lawful in the home, schools, penal institutions and alternative care settings. It is unlawful as a sentence for crime.

With regard to the home, 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 is under consideration by the Parliamentary Gender Commission, but we have no details of its proposed provisions.

In schools, 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. There is no explicit prohibition of corporal punishment as a disciplinary measure in penal institutions or in care settings, where corporal punishment is lawful under article 580 of the Family Code (see above).

A major UNICEF analysis in 2010 found that in 2005-2006 in Central African Republic 89% of 2-14 year olds experienced violent discipline (physical punishment and/or psychological aggression) in the home; a third 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).² Children with disabilities were particularly vulnerable to severe physical punishment: 36% of disabled children aged 2-9 were hit or slapped on the face, head or ears or hit over and over as hard as possible with an implement, compared with 28% of non-disabled children.³

Recommendations by human rights treaty bodies

In its concluding observations on the state party’s initial report in 2000, the Committee on the Rights of the Child expressed concern at corporal punishment of children, including by members of the police forces, and recommended that such acts be ended (CRC/C/15/Add.138, paras. 44 and 45).

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

www.endcorporalpunishment.org; info@endcorporalpunishment.org

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² UNICEF (2010), *Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries*, NY: UNICEF

³ UNICEF (2009), *Progress for Children: A report card on child protection*, NY: UNICEF