



Global Initiative to
End All Corporal Punishment
of Children

**BRIEFING ON COMOROS 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 Comoros. 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 Comoros’ acceptance of the recommendation to prohibit corporal punishment during its UPR in 2009, 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 Comoros, asking what progress has been made towards prohibiting and eliminating corporal punishment in all settings, including the home, and**
- **make recommendations to Comoros, in the concluding observations on its initial to fourth report, to ensure 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 initial to fourth report of Comoros to CEDAW

Comoros's initial to fourth report to CEDAW (5 September 2011, CEDAW/C/COM/1-4) describes measures taken to protect women and children from violence, including domestic violence, but makes no reference to violence that may lawfully be inflicted on girls by their parents in the guise of "discipline" in childrearing. Similarly, the written replies to the List of Issues previously adopted by the Committee in the absence of the state party's report (15 April 2011, CEDAW/C/COM/Q/4/Add.1) describes legislation intended to protect children from violence and abuse but does not refer to progress towards prohibiting corporal punishment.

Corporal punishment of children in Comoros

In Comoros, corporal punishment of children is lawful in the home, schools, penal institutions and alternative care settings. It appears to be unlawful as a sentence for crime.

According to the provisions on parental authority in the Family Code (2005), parents and those to whom parental authority is delegated have the power "to admonish excluding abuse and torture" ("Leur pouvoir consiste à le sermonner en excluant les sévices et la torture") (article 106). Articles 297 and 298 of the Penal Code (1982) punish violence against children with the exception of "minor" violence; minor violence is punished under article 12(7) of Law No. 81/007 but this and the provisions against violence and abuse in the Family Code and the Constitution are not interpreted as prohibiting all corporal punishment in childrearing.

There is no explicit prohibition of corporal punishment in schools, penal institutions or care settings.

Recommendations by human rights treaty bodies and during the UPR

In its concluding observations on the state party's initial report in 2000, the Committee on the Rights of the Child expressed concern at the legality and practice of corporal punishment, particularly in the home and in Koranic schools (CRC/C/15/Add.141, para. 31). The Committee recommended explicit prohibition of corporal punishment in the family and in schools, together with educational programmes to combat traditional attitudes regarding the issue (para. 32).

Comoros was examined in the first cycle of the Universal Periodic Review in 2009. The Government accepted recommendation to prohibit corporal punishment of children (A/HRC/12/16, Report of the Working Group, para. 65(31)).

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

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January 2012