



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

## **TOGO**

### **BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 12<sup>th</sup> session, 2011**

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*Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.*

*The Global Initiative to End All Corporal Punishment of Children ([www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.*

*In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment as a matter of priority.*

### **Summary**

**This briefing describes the uncertainty concerning the legality of corporal punishment of children in Togo despite the repeated recommendations of the Committee on the Rights of the Child. We hope the Review will highlight the importance of clear and explicit prohibition of all corporal punishment of children in all settings, including in the home and schools, and urge the Government to ensure that legislation achieves this as a matter of urgency.**

## **1 Legality of corporal punishment in Togo**

1.1 We have been unable to establish the legality of corporal punishment in the **home**. The Children's Code (2007) punishes corporal punishment and physical and psychological maltreatment of children (articles 356 and 357) and there appears to be no legal defence for the use of corporal punishment by parents in this Code or in the Penal and Civil Codes. However, our attempts to obtain official Government confirmation that the law is interpreted as prohibiting *all* corporal punishment, however "light", have to date been unsuccessful. According to statistics from UNICEF on violence in the family, 90% of children aged 2-14 experienced physical punishment and/or psychological aggression in 2005-2006.<sup>1</sup>

1.2 Corporal punishment is prohibited in **schools**, vocational training centres and institutions in article 376 of the Children's Code. Research suggests it continues to be used: in interviews with primary school children in 2006, 88% of the girls and 87% of the boys reported experiencing physical violence at school; 52% of girls and 48% of boys reported experiencing threatening behaviour or psychological violence.<sup>2</sup>

1.3 Corporal punishment is unlawful in the **penal system**. There is no provision for judicial corporal punishment in the Criminal Code and the Code of Criminal Procedure. The Children's Code states that children in conflict with the law should be treated with humanity and with respect for their human dignity and prohibits inhuman, cruel and degrading treatment (article 347); it explicitly prohibits corporal punishment in institutions (article 376).

1.4 With regard to **alternative care settings**, corporal punishment is unlawful in care institutions under the Children's Code. We have yet to confirm that the prohibition applies to other forms of care, including public and private, foster care, etc, and to all forms of corporal punishment, however "light".

## **2 Recommendations by human rights treaty monitoring bodies**

2.1 Recommendations to prohibit all corporal punishment of children were made by the **Committee on the Rights of the Child** in 2005 (CRC/C/15/Add.255, Concluding observations on second report, para. 39) and in 1997 (CRC/C/15/Add.83, Concluding observations on initial report, para. 40).

*Briefing prepared by the Global Initiative to End All Corporal Punishment of Children*  
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<sup>1</sup> UNICEF (2009), *Progress for Children: A report card on child protection*, NY: UNICEF

<sup>2</sup> Plan Togo (2006), *Suffering to Succeed? Violence and abuse in schools in Togo*, Lome: Plan Togo