

Corporal punishment of children in the Republic of Congo: Briefing for the Universal Periodic Review, 17th session, 2013



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

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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.

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 also 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.

The Global Initiative to End All Corporal Punishment of Children has regularly briefed the Committee on the Rights of the Child on this issue since 2002, 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, and in 2011 began briefing the Committee on the Rights of Persons with Disabilities. There is growing progress across all regions in challenging this common form of violence against children. But many states persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope the Working Group of the UPR will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies on this issue, as well as to the recommendations made during the first cycle of the UPR.

Corporal punishment of children in the Republic of Congo is prohibited in the home and all other settings, complying with the state's obligations under the Convention on the Rights of the Child and other human rights instruments in respect of legislative protection of children.

We hope the Working Group will note positively the achievement of law reform to prohibit corporal punishment in the Republic of Congo. We hope states will raise the issue during the review in 2013 and recommend to the Republic of Congo that all efforts are now made to ensure full implementation of the law and the elimination of corporal punishment in practice.

1 The review of the Republic of Congo in the first cycle (2009)

1.1 The Republic of Congo was reviewed in the first cycle of the Universal Periodic Review in 2009 (session 5). The issue of corporal punishment was raised in the summary of stakeholders' information.¹ No recommendations were made specifically concerning corporal punishment. However, the following recommendations were made and were accepted by the Government:²

“Continue efforts undertaken for the protection and realization of the rights of the child, particularly regarding access to education (Algeria);

“Consider reviewing strategies aimed at the protection of children with a view to developing a comprehensive plan for the care of children and aligning them with the provisions of the CRC and all applicable international human rights instruments to which the Congo is a party (South Africa);

“Make further efforts to combat violence and sexual abuses against children for the effective realization of their rights (Burkina Faso);

“Adopt measures immediately and in line with international human rights standards to protect the rights of children and in particular to prohibit child labour and prevent, criminalize and punish sexual exploitation and child trafficking (France);

“Fulfil its obligations in the field of human rights and step up its efforts with respect to the rights of people from vulnerable groups, including persons in detention, women and children (Belgium)”

1.2 The Global Initiative is pleased to report that in 2010, the Republic of Congo achieved law reform to prohibit corporal punishment of children in all settings, including the home. The law now provides a firm foundation for protecting children from being hit and hurt in the name of discipline. Efforts should now be focused on ensuring implementation of the law: states' obligations under the Convention on the Rights of the Child and other human rights treaties are to both prohibit and eliminate corporal punishment.

2 Prohibition of corporal punishment in the Republic of Congo

2.1 In the Republic of Congo, corporal punishment is prohibited in all settings, including the home. Article 53 of Law No. 4-2010 on the Protection of the Child 2010 states: “It is forbidden to use corporal punishment to discipline or correct the child.”

2.2 Prior to reform in 2010, corporal punishment was prohibited only in primary schools and as a sentence for crime.

3 Recommendations by human rights treaty monitoring bodies

3.1 *CRC*: In 2006, the Committee on the Rights of the Child expressed concern at the legality of corporal punishment and recommended prohibition in all settings. The Committee also recommended awareness raising and educational campaigns among parents, guardians and professionals, the promotion of positive non-violent forms of discipline, measures for the

¹ 25 February 2009, A/HRC/WG.6/5/COG/3, Summary of stakeholders' information, para. 6

² 5 June 2009, A/HRC/12/6, Report of the working group, paras. 79(26), 79(27), 79(29), 79(30) and 79(47)

prevention, recovery and reintegration of child victims, and the provision of child sensitive complaints mechanisms for children.³

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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³ 20 October 2006, CRC/C/COG/CO/1, Concluding observations on initial report, paras. 37, 38 and 39