

# Corporal punishment of children in Côte d'Ivoire: Briefing for the Universal Periodic Review, 33<sup>rd</sup> session, May 2019



GLOBAL INITIATIVE TO  
**End All Corporal  
Punishment of Children**

*From the Global Initiative to End All Corporal Punishment of Children, October 2018*

**The legality and practice of corporal punishment of children violates their fundamental human rights to respect for human dignity and physical integrity and to equal protection under the law. Under international human rights law – the Convention on the Rights of the Child and other human rights instruments – states have an obligation to enact legislation to prohibit corporal punishment in all settings, including the home.**

**In Côte d'Ivoire, corporal punishment of children is still lawful, despite a recommendation to prohibit it by the African Committee of Experts on the Rights and Welfare of the Child.**

**We hope the Working Group will note with concern the legality of corporal punishment of children in Côte d'Ivoire. We hope states will raise the issue during the review in 2019 and make a specific recommendation that Côte d'Ivoire enact legislation as a matter of priority to explicitly prohibit corporal punishment of children in all settings, including the home.**

## **1 Review of Côte d'Ivoire in the 2<sup>nd</sup> cycle UPR (2014) and progress since**

- 1.1 Côte d'Ivoire was reviewed in the second cycle of the Universal Periodic Review in 2014 (session 19). Although the issue of corporal punishment of children was raised in the summary of stakeholders' information,<sup>1</sup> no recommendation specifically on corporal punishment was made. During the review, the Government was encouraged to keep working against corporal punishment in schools.<sup>2</sup>
- 1.2 Since the review, there has been no change in the legality of corporal punishment despite the constitutional review in 2016. The Government misleadingly declared in 2015 that corporal punishment was "prohibited in all places"<sup>3</sup> but there is no explicit prohibition in legislation. Côte d'Ivoire became a Pathfinder country with the Global Partnership to End Violence Against Children in 2018, committing to accelerated action towards the elimination of all forms of violence against children.
- 1.3 **We hope the Working Group will note with concern the continued legality of corporal punishment of children in Côte d'Ivoire. We hope states will raise the issue during the review in 2019 and make a specific recommendation that Côte d'Ivoire enact legislation as a matter of priority to explicitly prohibit corporal punishment of children in all settings, including the home.**

<sup>1</sup> 6 February 2014, A/HRC/WG.6/19/CIV/3, Summary of stakeholders' views, para. 22

<sup>2</sup> 7 July 2014, A/HRC/27/6, Report of the working group, para. 99

<sup>3</sup> 16 February 2015, CCPR/C/CIV/Q/1/Add.2, Reply to list of issues, para. 47

## 2 Legality of corporal punishment in Côte d'Ivoire

### **Summary of current law and reforms needed to achieve prohibition**

Corporal punishment in Côte d'Ivoire is prohibited in the penal system but it is still lawful in the home, in alternative and day care settings, and in schools. Legislation should be enacted to explicitly prohibit all corporal punishment in all settings, including the home.

- 2.1 **Home (lawful):** Corporal punishment is lawful in the home. The Minority Act 1970 regulates “paternal authority” and states that this includes the right and obligation to provide for the child’s maintenance, training, education and monitoring. It does not confirm a “right” of parents to punish or discipline children but neither does it explicitly prohibit the use of corporal punishment. Under examination by the Human Rights Committee in 2015, the Government stated that corporal punishment “is prohibited in all places and is monitored particularly in prisons, schools and homes” and is classified as physical assault in the Criminal Code.<sup>4</sup> But there is no clear prohibition of corporal punishment in legislation. Provisions against violence and abuse in the Constitution 2016, the Penal Code 1995 and Act No. 98-757 on violence against women do not include clear prohibition of corporal punishment.
- 2.2 The Criminal Code and the Personal and Family Code are being revised.<sup>5</sup> We do not know if prohibition of corporal punishment is being proposed in this context. A draft Code of Children and Family was mentioned during the examination of Cote d'Ivoire by the African Committee of Experts on the Rights and Welfare of the Child.<sup>6</sup> We do not have further information.
- 2.3 In 2018, Côte d'Ivoire became a Pathfinder country with the Global Partnership to End Violence Against Children. This commits the Government to three to five years of accelerated action towards the achievement of Target 16.2 of the Sustainable Development Goals.
- 2.4 **Alternative care settings (lawful):** There is no explicit prohibition of corporal punishment in alternative care settings, where it is lawful as for parents.
- 2.5 **Day care (lawful):** There is no explicit prohibition of corporal punishment in early childhood care and in day care for older children.
- 2.6 **Schools (lawful):** In 2009, the Minister of Education signed a Ministerial Order stating that corporal punishment should not be used by teachers in public or private schools, but there is no prohibition in legislation which has been passed by Parliament. It is expected that the Ministerial Order will be confirmed in legislation but as yet law reform has not been achieved. In reporting to the Human Rights Committee in 2013, the Government stated its commitment to reforming the law in this respect.<sup>7</sup>
- 2.7 **Penal institutions (unlawful):** Corporal punishment is unlawful as a disciplinary measure in penal institutions. Children in prison are protected from cruel, inhuman or degrading treatment or punishment under Decree No. 69-189 1969 (regulating prison establishments and laying down conditions for the enforcement of prison sentences (Décret n° 69-189 du 14 mai 1969 portant

<sup>4</sup> 16 February 2015, CCPR/C/CIV/Q/1/Add.2, Reply to list of issues, para. 47

<sup>5</sup> 16 February 2015, CCPR/C/CIV/Q/1/Add.2, Reply to list of issues, paras. 20 and 22; see also 25 April 2018, CEDAW/C/CIV/4, Fourth report, para. 29

<sup>6</sup> [July 2017], Concluding observations on initial report, para. 4

<sup>7</sup> 21 May 2013, CCPR/C/CIV/1, Initial state party report, para. 293

réglementation des établissements pénitentiaires et fixant les modalités d'exécution des peines privatives de libertés) (arts. 33-36), in which there is no provision for corporal punishment. However, there is no explicit prohibition of corporal punishment in Decree No. 82-334 1982 concerning people, works or institutions receiving minors as a result of a judicial decision (Décret no 82-334 du 2 avril 1982 relatif au placement et aux mesures d'assistance éducative).

2.8 **Sentence for crime (*unlawful*)**: Corporal punishment is unlawful as a sentence for crime. It is not a permitted sanction under the Penal Code 1995. The Criminal Procedure Code prohibits cruel, inhuman or degrading treatment or punishment. Article 5 of the Constitution 2016 states (unofficial translation): "Slavery, human trafficking, forced labour, physical or moral torture, inhumane, cruel, degrading and humiliating treatment, physical violence, female genital mutilation as well as all other forms of degradation of a human being are prohibited."

### 3 Recommendations by human rights treaty bodies

3.1 **ACERWC**: In 2017, the African Committee of Experts on the Rights and Welfare of the Child expressed concern at the high prevalence of corporal punishment of children in homes and schools and recommended legal prohibition in the home.<sup>8</sup>

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*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 since 2011 the Committee on the Rights of Persons with Disabilities.*

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<sup>8</sup> [May 2018], Concluding observations on initial report, paras. 22 and 23