

CÔTE D'IVOIRE

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 19th session, 2014

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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 lawful, despite the state's ratification of the Convention on the Rights of the Child and the Government's acceptance of relevant recommendations during the first cycle UPR in 2009.

We hope the Working Group will note with concern the legality of corporal punishment in Côte d'Ivoire. We hope states will raise the issue during the review in 2014 and make a specific recommendation that legislation is enacted in Côte d'Ivoire to explicitly prohibit corporal punishment of children in all settings, including the home, as a matter of priority.

1 The initial review of Côte d'Ivoire by the Human Rights Council (2009)

- 1.1 Côte d'Ivoire was reviewed in the first cycle of the Universal Periodic Review in 2009 (session 6). The issue of corporal punishment was included in the compilation of UN information¹ or in the summary of stakeholders' information.² No recommendations were made specifically on corporal punishment but the Government accepted a number of recommendations concerned with protecting children from violence, including through the legal framework.³
- 1.2 There is consensus among those charged with monitoring the implementation of international human rights treaties that compliance with children's right to protection from all forms of violence entails an obligation to prohibit and eliminate all corporal punishment in all settings, including the home. But this obligation is frequently ignored or evaded by governments. Despite the Government's acceptance of recommendations concerning protection of children from violence, the legality of corporal punishment has

¹ 18 September 2009, A/HRC/WG.6/6/CIV/2, Compilation of UN information, para. 14

² 10 August 2009, A/HRC/WG.G/G/CIV/3, Summary of stakeholders' information, para. 22

³ 4 January 2010, A/HRC/13/9, Report of the working group, paras. 99(20), 99(30), 99(51), 99(58) and 99(69)

not changed since the first cycle UPR: corporal punishment of children remains lawful in the home, schools and alternative care settings.

- 1.3 The near universal acceptance of a degree of violent punishment in childhood and deeply held views that parents and other adults have a “right” to physically punish children can challenge efforts to achieve prohibition. This situation also means that corporal punishment – at least to some degree – is typically not readily perceived as a violent act in the same way as, for example, sexual and other socially unacceptable forms of violence. **It is for these reasons that we respectfully urge members of the Working Group to specifically recommend prohibition of corporal punishment in the review of Côte d’Ivoire.**

2 Legality and practice of corporal punishment in Côte d’Ivoire

2.1 ***Home (lawful)***: 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. Provisions against violence and abuse in the Penal Code 1995 and Act No. 98-757 on violence against women are not interpreted as prohibiting corporal punishment in childrearing. UNICEF’s major analysis of data from 2005-2006, published in 2010, found that in Côte d’Ivoire, 91% of 2-14 year olds had experienced violent “discipline”, with more than one in five being severely physically punished (being hit or slapped on the face, head or ears or being hit over and over with an implement).⁴

2.2 In 2011, the Personal and Family Code, the Criminal Code and the Criminal Procedure Code were under review: we do not know if prohibition of corporal punishment has been proposed in the context of these reforms. A draft new Family Code was being discussed which would provide a key opportunity for achieving the necessary reforms, but as at December 2011 the draft did not include prohibition of corporal punishment.

2.3 ***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 law. It has long been anticipated that the Ministerial Order will be confirmed in legislation but as yet law reform has not been achieved.

2.4 ***Penal system – sentence for crime (unlawful)***: There is no provision for judicial corporal punishment in criminal law.

2.5 ***Penal system – disciplinary measure in penal institutions (unlawful)***: 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 (articles 33-36), in which there is no provision for corporal punishment.

2.6 ***Alternative care settings (lawful)***: There is no explicit prohibition of corporal punishment in alternative care settings, where corporal punishment is lawful as for parents.

⁴ UNICEF (2010), *Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries*, NY: UNICEF

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

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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 in 2011 began briefing the Committee on the Rights of Persons with Disabilities.