1 The human rights obligation to prohibit corporal punishment

1.1 The legality and practice of corporal punishment of children breaches their fundamental rights to respect for their human dignity and physical integrity and to equal protection under the law, and the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment – rights guaranteed in the International Covenant on Civil and Political Rights and other international human rights instruments.

This briefing describes the legality of corporal punishment of children in Côte d’Ivoire. In light of the obligation under international human rights law to prohibit all corporal punishment of children, the recommendations of the UN Secretary General’s Study on Violence against Children and the relevant recommendations during the Universal Periodic Review (which the Government accepted), we hope the Human Rights Committee will:

- raise the issue of corporal punishment of girls in its List of Issues for Côte d’Ivoire, asking what progress has been made towards prohibiting and eliminating corporal punishment in all settings, including the home, and
- recommend to Côte d’Ivoire, in the concluding observations on the initial state party report, that legislation be enacted to explicitly prohibit corporal punishment in all settings as a matter of priority.
2 The legality and practice of corporal punishment of children in Cote d’Ivoire

2.1 Summary: Corporal punishment of children in Cote d’Ivoire is unlawful in the penal system but it is not prohibited in the home, alternative care settings, day care and schools.

2.2 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).¹

2.3 Alternative care settings (lawful): There is no prohibition of all corporal punishment.

2.4 Day care (lawful): There is no prohibition of all corporal punishment.

2.5 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. In reporting to the Human Rights Committee in 2013, the Government stated its commitment to reforming the law in this respect.²

2.6 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.

2.7 Sentence for crime (unlawful): There is no provision for judicial corporal punishment in criminal law.

3 Recommendations by treaty monitoring bodies and during the Universal Periodic Review

3.1 Côte d’Ivoire has not yet received treaty body recommendations to prohibit corporal punishment. During the UPR of Cote d'Ivoire in 2009, no recommendations were made specifically on corporal punishment but the Government accepted a number of recommendations to strengthen protection for children’s rights and to harmonise the child protection legal framework.³

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² 21 May 2013, CCPR/C/CIV/1, Initial state party report, para. 293
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)