



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

BRIEFING ON HAITI FOR THE HUMAN RIGHTS COMMITTEE, COUNTRY REPORT TASK FORCE – July 2012

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The human rights obligation to prohibit corporal punishment

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 Haiti. 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 recommendations of the Committee on the Rights of the Child, we hope the Human Rights Committee will:

- **raise the issue of corporal punishment of children in its List of Issues for Haiti, in particular asking what measures have been taken to implement the law prohibiting corporal punishment and whether or not this law effectively prohibits all corporal punishment in the family home, and**
- **recommend to Haiti that the law prohibiting corporal punishment is fully implemented and enforced and that, if necessary, legislation is enacted as a matter of priority to prohibit all corporal punishment by parents.**

Corporal punishment of children in Haiti

Corporal punishment of children in Haiti is unlawful in schools, the penal system and the care system; it is possibly unlawful in the home but there is a lack of clarity in this respect.

It is unclear whether or not corporal punishment is lawful in the **home**. Articles 1 and 2 of the Law Against Corporal Punishment of Children (2001) state: “1: The inhuman treatment of any nature comprising corporal punishment of a child is forbidden. 2: Inhuman treatment is defined by any action that causes a bodily or emotional shock to a child, such as hitting or pushing, or inflicting any punishment that causes damage to the child, using or without the intermediary of an object, weapon or abusive physical force” (unofficial translation). But the remainder of the law appears to apply to organisations, schools and other institutions. There is some legal opinion that the prohibition does apply to parental corporal punishment, but there is uncertainty among NGOs and we have been unable to identify any associated public education and awareness raising campaigns.

Corporal punishment is unlawful in settings outside the home – **schools, the penal system and alternative care settings** – under the 2001 law.

Despite prohibition, research indicates that corporal punishment continues to be inflicted on children. A study by Amnesty International found that corporal punishment was commonly reported in schools, including the use of whips, beatings with electric cables, and forcing children to kneel in the sun.¹ In UNICEF’s Voices of Children survey, 14% of children reported living in a family where there were scenes of violence and aggression; 40% said they were hit or beaten when they behaved badly, the figure even higher among rural children aged 9-13 years.²

Recommendations by human rights treaty bodies

In 2003, in its concluding observations on the state party’s initial report, the **Committee on the Rights of the Child** welcomed the law prohibiting corporal punishment of children and made recommendations regarding its implementation, including through education campaigns for parents, teachers and other professionals and measures aimed at the care, recovery and reintegration of child victims (CRC/C/15/Add.202, paras. 3, 36 and 37). The Committee had been led to believe that the prohibition extended to corporal punishment within the family, but as noted above it has to date proved impossible to verify that the law is unequivocally interpreted in this way.

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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¹ Amnesty International (2008), *Safe Schools: Every girl’s right*

² Reported in Government response to UN Study on Violence Against Children Questionnaire (2005)