

**BRIEFING ON TOGO FOR THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, PRE-SESSIONAL WORKING GROUP
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**Corporal punishment of children in Togo is unlawful in all settings, including the home. In light of the obligation under international human rights law to prohibit and eliminate all corporal punishment of children, the recommendations of the UN Secretary-General’s Study on Violence against Children and the jurisprudence of the Committee on the Rights of the Child, we hope the Committee on Economic, Social and Cultural Rights will:**

* **include the issue of corporal punishment of children in its List of Issues for Togo, in particular asking what measures have been taken to ensure that the law prohibiting corporal punishment is fully implemented, and**
* **in the concluding observations on the initial state party report, welcome the prohibition of corporal punishment in all settings and recommend that the state party ensure public awareness raising and professional training on the new law together with all necessary measures to ensure its implementation, with the aim of eliminating corporal punishment in practice.**

**1 The legality and practice of corporal punishment of children in Togo**

1.1 In Togo, corporal punishment is prohibited in all settings, including the home.

1.2 Corporal punishment is prohibited in the home and in care settings under article 353 of the Children’s Code (2007) together with article 357. Article 353 protects children from all forms of violence perpetrated by parents or any other person having control or custody of the child: “The state protects the child from all forms of violence including sexual abuse, physical or mental injury or abuse, abandonment or neglect, and ill treatment by parents or by any other person having control or custody over him” (unofficial translation). Article 357 explicitly includes corporal punishment among the forms of violence that are punishable: “Physical and psychological abuse, corporal punishment, deprivation of care or withholding of food are punished by the penalties provided …” (unofficial translation).

1.3 Corporal punishment is prohibited in schools, vocational training centres and institutions in article 376 of the Children’s Code: “Corporal punishment and other forms of violence or abuse are prohibited in schools, vocational training, and institutions. This includes any institution or orphanage, rehabilitation centre for disabled children, reception and rehabilitation centre, hospital, re-education centre or other place of childcare, temporary or permanent” (unofficial translation).

1.4 There is no provision for judicial corporal punishment in the Criminal Code and the Code of Criminal Procedure.

1.5 Research indicates that there has traditionally been a high prevalence of corporal punishment of children and strong efforts are necessary to implement the prohibiting legislation. For example, a major UNICEF analysis in 2010 found that 91% of 2-14 year olds experienced violent discipline (physical punishment and/or psychological aggression) in 2005-2006 in Togo; more than a quarter of children experienced severe physical punishment (being hit or slapped on the face, head or ears or being hit over and over with an implement); 83% experienced psychological aggression (being shouted at, yelled at, screamed at or insulted).[[1]](#footnote-1)

**2 Recommendations by human rights treaty bodies and during the UPR**

2.1 In March 2012, after examining the state party’s third/fourth periodic report, the **Committee on the Rights of the Child** welcomed the prohibition of all corporal punishment of children in Togo and urged the state party to ensure that the law is effectively implemented, that perpetrators are held accountable, that relevant and sustained public education, awareness raising and social mobilisation programmes are initiated, and that positive, non-violent forms of discipline and childrearing are promoted.[[2]](#footnote-2) Prior to the achievement of full prohibition in 2007, the Committee twice recommended prohibition in the family and other settings – in its concluding observations on the initial report in 1997[[3]](#footnote-3) and on the second report in 2005.[[4]](#footnote-4) On both occasions the Committee also recommended awareness raising and education campaigns on the issue.

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

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1. UNICEF (2010), *Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries*, NY: UNICEF [↑](#footnote-ref-1)
2. 8 March 2012, CRC/C/TGO/CO/3-4, Concluding observations on third/fourth report, paras. 43 and 44 [↑](#footnote-ref-2)
3. 10 October 1997, CRC/C/15/Add.83, Concluding observations on initial report, paras. 17 and 40 [↑](#footnote-ref-3)
4. 31 March 2005, CRC/C/15/Add.255, Concluding observations on second report, paras. 6, 38 and 39 [↑](#footnote-ref-4)