



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

BRIEFING ON CHAD FOR THE HUMAN RIGHTS COMMITTEE, COUNTRY REPORT TASK FORCE – July 2013

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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 Chad. 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, the repeated recommendations to Chad by the treaty monitoring bodies, and the Government’s acceptance of the recommendation to prohibit made during its Universal Periodic Review in 2009, we hope the Human Rights Committee will:

- **raise the issue of corporal punishment of children in its List of Issues for Chad, in particular asking what measures have been taken to ensure that legislation is enacted which explicitly prohibits corporal punishment in all settings, including the home, and**
- **recommend to Chad, following its examination of the state party’s second report, that legislation is enacted and enforced which explicitly prohibits corporal punishment in all settings, including the home, as a matter of priority, together with appropriate public education and professional training on positive, participatory and non-violent forms of education and childrearing.**

2 Legality and practice of corporal punishment of children in Chad

- 2.1 Corporal punishment of children in Chad is unlawful as a sentence for crime and in schools but it is not prohibited in the home, penal institutions and alternative care settings.
- 2.2 *Home (lawful)*. According to article 222 of the Constitution 1996 (amended 2005), international treaties have supremacy over domestic legislation when they are ratified and published. However, corporal punishment is not explicitly prohibited in law and provisions against violence and abuse in the Penal Code, the Constitution and Act No. 06/PR/2002 on the promotion of reproductive health are not interpreted as prohibiting corporal punishment in childrearing.
- 2.3 According to statistics collected under round 4 of the UNICEF Multiple Indicator Cluster Survey programme (MICS4), in 2009 84.3% of children aged 2-14 experienced violent “discipline” (physical punishment and/or psychological aggression); 76.6% experienced physical punishment, and 41.1% experienced severe physical punishment (being hit or slapped on the face, head or ears or being hit over and over with an implement).¹
- 2.4 *Schools (unlawful)*. Corporal punishment is considered unlawful under Law No. 016/PR/06 on the education system, though it is not explicitly prohibited. Article 113 states (unofficial translation): “The right to physical and moral integrity of pupils and students is guaranteed. As such, the following are prohibited: - physical abuse or any other form of violence or humiliation....”
- 2.5 *Penal system – sentence for crime (unlawful)*. There is no provision for judicial corporal punishment in criminal law.
- 2.6 *Penal system – disciplinary measure in penal institutions (no explicit prohibition)*. Article 9 of Decree No. 269/PR/MIS/IGSP/1995 on the Code of ethics of the national police states that the use of force should be limited to what is strictly necessary and commensurate to the goal to be achieved, and article 10 prohibits violence and inhuman or degrading treatment against persons under the responsibility of the police, but there is no explicit prohibition of corporal punishment.
- 2.7 *Alternative care settings (lawful)*. There is no explicit prohibition of corporal punishment.

3 Immediate opportunities for achieving prohibition of corporal punishment

- 3.1 National laws are being reviewed with a view to harmonisation with international standards, and in 2009 the Government accepted the recommendation to take legislative measures to address and prevent corporal punishment in all settings made during the Universal Periodic Review.² In 2012, a draft Child Protection Code, draft Code on the Person and the Family and draft amendments to the Criminal Code were under discussion. The Child Protection Code Bill was adopted by the cabinet in November 2012: we have yet to confirm that it includes prohibition of corporal punishment.
- 3.2 We hope the Human Rights Committee will urge Chad to ensure that draft legislation under discussion – particularly the Child Protection Code Bill – explicitly prohibits corporal punishment in all settings and is enacted as a matter of priority.**

¹ République du Tchad Ministère du Plan, de l’Economie et de la Coopération Internationale et al (2013), *Enquête par grappes à indicateurs multiples: Tchad 2010*

² 5 October 2009, A/HRC/12/5, Report of the working group, para. 82(37)

4 Recommendations by human rights treaty monitoring bodies and during the Universal Periodic Review

- 4.1 The **Committee on the Rights of the Child** first expressed concern at the legality and practice of corporal punishment in the family and other settings in Chad in 1999.³ The Committee reiterated these concerns in 2009, recommending prohibition of corporal punishment in all settings, including in the family, schools, childcare settings and places of detention for juveniles.⁴
- 4.2 In 2009, the **Committee Against Torture** recommended law reform in Chad to prohibit corporal punishment in families, educational and religious establishments, alternative care institutions and places of juvenile detention.⁵
- 4.3 Chad was examined in the first cycle of the **Universal Periodic Review** in 2009 (session 5). The Government accepted the recommendation to “take all necessary legislative and policy measures to address and prevent all forms of violence against children in all settings, including corporal punishment”.⁶

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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³ 24 August 1999, CRC/C/15/Add.107, Concluding observations on initial report, para. 25

⁴ 12 February 2009, CRC/C/TCD/CO/2, Concluding observations on second report, paras. 45 and 46

⁵ 4 June 2009, CAT/C/TCD/CO/1, Concluding observations on initial report, para. 32

⁶ 5 October 2009, A/HRC/12/5, Report of the working group, para. 82(37)