



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

DJIBOUTI – COUNTRY REPORT

Summary of necessary legal reform to achieve full prohibition

Settings where explicit prohibition is necessary

home, ?schools, penal institutions, alternative care settings

Is there a legal defence for corporal punishment which must be repealed?

?? – We have been unable to establish whether or not legislation explicitly confirms a “right” of parents to administer “reasonable chastisement” or similar, but provisions against violence and abuse in the Penal Code and the Family Code are not interpreted as prohibiting all corporal punishment in childrearing. Explicit prohibition should be enacted of all corporal punishment by parents and others with children in their care.

Other legislative measures necessary

Schools – Legislation should explicitly prohibit corporal punishment in all education settings (public and private).

Penal institutions – Explicit prohibition should also be enacted in relation to disciplinary measures in all institutions accommodating children in conflict with the law.

Alternative care settings – Explicit prohibition should be enacted in legislation applicable to all alternative care settings, including public and private day care, residential institutions, foster care, etc.

DETAILED COUNTRY REPORT

Legality of corporal punishment

Home

Corporal punishment is lawful in the home. Provisions against violence and abuse in the Criminal Code (1995), the Family Code (2002) and the Constitution (1992) are not interpreted as prohibiting corporal punishment in childrearing.

Schools

Corporal punishment is reportedly prohibited in schools by regulations applicable to all education institutions (23 September 2008, CRC/C/SR.1347, Summary record of examination by the Committee on the Rights of the Child, para. 48), but we been unable to confirm this. There is no prohibition of corporal punishment in the Outline Act on the Education System (1999).

Penal system

Corporal punishment is unlawful as a **sentence for crime** under the Criminal Code and the Constitutional prohibition of torture and cruel, inhuman or degrading punishment or treatment (article 16).

There is no explicit prohibition of corporal punishment as a **disciplinary measure** in penal institutions.

Alternative care

There is no explicit prohibition of corporal punishment in alternative care settings.

Prevalence research

A UNICEF report published in 2010 states that 72% of children aged 2-14 experienced violent discipline (physical punishment and/or psychological aggression) in 2005-2006. Two thirds experienced physical punishment, while a smaller percentage (31%) of mothers and caregivers thought that physical punishment was necessary in childrearing, and non-violent discipline was also widely used: experienced by 83% of children. More than one child in five experienced severe physical punishment (being hit or slapped on the face, head or ears or being hit over and over with an implement) and 57% experienced psychological aggression (being shouted at, yelled at, screamed at or insulted). The prevalence of violent discipline rose with age, with 75% of children aged 10-14 experiencing it compared with 66% of children aged 2-4. Children living in larger households were more likely to experience violent discipline: 75% of children in households of 6 or more people compared to 62% of children in households of 2-3 people. No significant differences in children's experience of violent discipline (physical punishment and/or psychological aggression) were found according to sex, level of education of adults in the household or engagement in child labour. (UNICEF (2010), *Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries*, NY: UNICEF)

Interviews with 1,669 children aged 9 – 14 in 19 schools revealed that school corporal punishment is widespread. 27.6% of the children said they had been hit with an object such as a ruler, stick or “tuyau” (a PVC pipe), 19.5% had been forced to kneel in front of the class or outside as a punishment and 14.1% had been pinched or had their hair or ears pulled. The study also examined the academic

achievement of students, and concluded that the schools with the best results are those in which least corporal punishment is used, and that the students in these schools feel most secure. (Debarbieux, E. (2006), "Pourquoi pas un bonne fessée? Une recherche sur le châtement corporel à l'école", *SPIRALE - Revue de Recherches en Éducation*, 37, pp.83-95)

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(7 October 2008, CRC/C/DJI/CO/2, Concluding observations on second report, paras. 35 and 36)

"While the Committee takes note of the State party's indication that corporal punishment has been forbidden in schools and that the Educational Plan of Action 2006-2008 lauds the implementation of measures prohibiting corporal punishment the Committee is concerned that children are still subjected to corporal punishment, particularly in the home.

"The Committee recommends that the State party explicitly prohibit by law all forms of violence against children, including corporal punishment, in all settings, including in the family, schools, alternative childcare and places of detention, and implement those laws effectively. It also recommends that the State party intensify its awareness-raising campaigns in order to promote the use of alternative forms of discipline in a manner consistent with the child's human dignity and in accordance with the Convention, taking into account the Committee's general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment."

Committee Against Torture

([November 2011], Advance Unedited Version, Concluding observations on initial report, para. 23; as at 5 December 2011 available only in French)

« Le Comité note avec préoccupation que les châtements corporels ne sont pas interdits en tant que mesure de correction appliquée dans la famille, en vertu de l'interprétation des provisions du Code pénal (1995), le Code de la famille (2002) et la Constitution. (art. 16)

L'État partie devrait envisager de modifier son Code pénal et son Code de la famille révisé en vue d'interdire le recours aux châtements corporels dans toutes situations, y compris dans la famille, et de sensibiliser le public à des formes positives, participatives et non violentes de discipline. »

Universal Periodic Review

Djibouti was examined in the first cycle of the Universal Periodic Review in 2009. The Government did not respond to the recommendation to prohibit corporal punishment of children (A/HRC/11/16, Report of the Working Group, para. 68(5)). Examination in the second cycle is scheduled for 2013.

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