**BRIEFING FROM GLOBAL INITIATIVE**

**TO END ALL CORPORAL PUNISHMENT OF CHILDREN**

**BRIEFING FOR THE COMMITTEE ON THE RIGHTS OF THE CHILD**

**PRE-SESSIONAL WORKING GROUP – June 2011**

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**MADAGASCAR (third/fourth report – CRC/C/MDG/3-4)**

**Corporal punishment in the home**

Corporal punishment is lawful in the **home**. Provisions against violence and abuse in the Criminal Code (1972), the Act on the Rights and Protection of the Child (2007) and the Constitution (2007) are not interpreted as prohibiting corporal punishment in childrearing.

**Corporal punishment outside the home**

Corporal punishment is reportedly prohibited in **schools** (e.g. as stated in the third/fourth report to the Committee on the Rights of the Child, CRC/C/MDG/3-4, para. 538), but we have been unable to confirm explicit prohibition in legislation.

In the **penal system**, corporal punishment is unlawful as a sentence for crime but it is not explicitly prohibited as a disciplinary measure in penal institutions. It is lawful in **alternative care settings**.

**In its concluding observations on the state party’s second report in 1997, the Committee on the Rights of the Child recommended prohibition of corporal punishment in the home, schools and other institutions, together with training for teachers in the use of alternative disciplinary measures (CRC/C/15/Add.21, para. 46). In light of the Committee on the Rights of the Child’s General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment” and the importance of eradicating this form of violence given by the UN Secretary General’s Study on Violence against Children, we hope the Committee will question the Government of Madagascar in detail on the current legality of corporal punishment and urge the Government to ensure legislation explicitly prohibits corporal punishment in the home, schools and all other settings as a matter of priority.**

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

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