



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

GUINEA

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 8th session, 2010

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Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.

The Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.

In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment, setting a goal of 2009.

Summary

This briefing describes the legality of corporal punishment of children in Guinea, despite the concerns and recommendations of the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination Against Women. We hope the Review will highlight the importance of prohibition of corporal punishment of children, and strongly recommend that the government introduce legislation as a matter of urgency to prohibit all corporal punishment of children in the family home and all other settings.

1 Legality of corporal punishment in Guinea

1.1 Corporal punishment is lawful in the **home**. Provisions against violence and abuse in the Penal Code and the Basic Law (1990) are not interpreted as prohibiting corporal punishment in childrearing.

1.2 Corporal punishment is reportedly prohibited in **schools** by regulation, but we have been unable to identify the precise legal text.

1.3 In the **penal system**, we believe that corporal punishment is unlawful as a sentence for crime for young people convicted of an offence, but we have been unable to confirm this. Article 6 of the Basic Law states that everyone has the right to life and physical integrity and prohibits torture and cruel, inhuman and degrading treatment or punishment. We have been unable to ascertain the legal status of corporal punishment as a disciplinary measure in penal institutions.

1.4 Corporal punishment is lawful in **alternative care settings**.

2 Recommendations by human rights treaty monitoring bodies

2.1 In its concluding observations on the state party's initial report in 1999, the **Committee on the Rights of the Child** expressed concern at the traditional acceptance and use of corporal punishment by parents, and urged the state party to ensure that discipline in schools, families and all institutions is administered in a manner consistent with the child's dignity (CRC/C/15/Add.100, para. 20). The Committee indicated that corporal punishment is prohibited by law, but this is not the case (see above).

2.2 In 2007, following examination of the state party's fourth-sixth report, the **Committee on the Elimination of Discrimination Against Women** expressed concern at the persistence of patriarchal attitudes whereby physical chastisement of family members is considered acceptable. The Committee recommended that legislative measure be taken to address such violence without delay (CEDAW/C/GIN/CO/6, paras. 26 and 27).