



Global Initiative to
End All Corporal Punishment
of Children

BRIEFING ON GUINEA FOR THE COMMITTEE AGAINST TORTURE

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*From Dr Sharon Owen, Research and Information Coordinator, Global Initiative
info@endcorporalpunishment.org*

This briefing describes the legality of corporal punishment of children in Guinea. 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 and the recommendations to Guinea by the UN Committee on the Rights of the Child and during the UPR in 2010, we hope the Committee Against Torture will:

- **recommend to Guinea, being examined in the absence of a report, that corporal punishment of children be explicitly prohibited in all settings, including the home, and that law reform is accompanied by appropriate public education and professional training on positive, participatory and non-violent forms of education and childrearing.**

1 The legality of corporal punishment of children in Guinea

1.1 **Summary:** Corporal punishment of children in Guinea is unlawful as a sentence for crime but it is not prohibited in the home, alternative care settings, day care, schools or penal institutions.

1.2 **Home (lawful):** The Children's Code 2008 prohibits "all forms of physical and psychological maltreatment" in the family, schools and institutions (art. 403). However, it does not explicitly prohibit corporal punishment and there is no evidence that all corporal punishment in childrearing and education, however light, would be considered as "maltreatment". There appears to be no legal defence for the use of corporal punishment by parents in the Civil Code 1983 (unconfirmed) or the Penal Code 1988 but the Penal Code provisions against assault (arts. 299, 300 and 301) are not interpreted as prohibiting all forms of corporal punishment of children.

1.3 In 2010, a draft revised Civil Code was under consideration and there is an ongoing process of harmonising legislation with international human rights standards. **We hope the Committee will**

encourage the state party to use these opportunities to prohibit all corporal punishment of children.

- 1.4 **Alternative care settings (lawful):** There is no explicit prohibition of corporal punishment in alternative care settings: it is lawful as for parents (see para. 1.2).
- 1.5 **Day care (lawful):** There is no explicit prohibition of corporal punishment in early childhood care and in day care for older children.
- 1.6 **Schools (lawful):** A ministerial circular advises against the use of corporal punishment (unconfirmed) but there is no explicit prohibition in law.
- 1.7 **Penal institutions (?lawful):** There appears to be no explicit prohibition of corporal punishment as a disciplinary measure in penal institutions.
- 1.8 **Sentence for crime (unlawful):** There is no provision for judicial corporal punishment in criminal law.

2 Recommendations by human rights treaty bodies and during the UPR

- 2.1 **CRC:** The Committee on the Rights of the Child has twice expressed concern at corporal punishment in the family and other settings in Guinea and has recommended prohibition and other measures – in its concluding observations on the state party's initial report in 1999, and on the second report in 2013.¹
- 2.2 **CEDAW:** In 2007, in its concluding observations on the fourth to sixth report of Guinea, the Committee on the Elimination of Discrimination Against Women expressed concern "about the persistence of patriarchal attitudes whereby the physical chastisement of family members, including women, is considered acceptable".² The Committee recommended the enactment of legislation on domestic violence though did specifically recommend prohibition of corporal punishment.³
- 2.3 **UPR:** During the Universal Periodic Review of Guinea in 2010, there were no specific recommendations on corporal punishment but the Government accepted recommendations to bring its legislation into line with international human rights standards.⁴

*Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
www.endcorporalpunishment.org; info@endcorporalpunishment.org
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¹ 10 May 1999, CRC/C/15/Add.100, Concluding observations on initial report, para. 20; 13 June 2013, CRC/C/GIN/CO/2, Concluding observations on second report, paras. 48 and 49

² 10 August 2007, CEDAW/C/GIN/CO/6, Concluding observations on fourth/fifth/sixth report, para. 26

³ *ibid.*, para. 27

⁴ 14 June 2010, A/HRC/15/4, Report of the working group, paras. 71(6) and 71(7)