



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

BRIEFING ON GABON FOR THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, PRESESSIONAL WORKING GROUP

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The human rights obligation to prohibit corporal punishment – a key strategy in eliminating all forms of violence

The legality and practice of corporal punishment of girls breaches their fundamental rights to respect for their human dignity and physical integrity, to equality under the law and to protection from all forms of violence – rights guaranteed in the Convention on the Elimination of All Forms of Discrimination Against Women and other international human rights instruments. There are strong links between corporal punishment of children – girls and boys – and all other forms of violence, including gender-based violence. As the Committee on the Rights of the Child emphasised in its General Comment No. 8 (2006), addressing corporal punishment is “a key strategy for reducing and preventing all form of violence in societies”.

The near universal acceptance of a degree of violent punishment in childhood and deeply held views that parents and other adults have a “right” to physically punish children can challenge efforts to achieve prohibition. This situation also means that corporal punishment – at least to some degree – is typically not readily perceived as a violent act in the same way as, for example, sexual and other socially unacceptable forms of violence. Physical violence against girls and boys in their own home is typically assumed not to be domestic violence because it is inflicted under the guise of “discipline” or “correction” – a rationale totally unacceptable when the victim is an adult woman. **It is for these reasons that we respectfully urge the Committee on the Elimination of Discrimination Against Women to specifically recommend that corporal punishment be prohibited in the home and all settings.**

This briefing describes the legality of corporal punishment of children in Gabon. In light of General Recommendation No. 19 on Violence against women (1992), the links between corporal punishment of children and all other forms of violence including gender-based violence, and the recommendations to Gabon by treaty monitoring bodies and during the UPR, we hope the Committee on the Elimination of Discrimination Against Women will:

- **raise the issue of corporal punishment of girls in its List of Issues for Gabon, asking what progress has been made towards prohibiting and eliminating corporal punishment in all settings, including the home, and**
- **recommend to Gabon, in the concluding observations on the sixth state party report, that legislation which prohibits corporal punishment in all settings, including the home, is adopted as a matter of priority.**

1 The state party's report to CEDAW

- 1.1 The sixth state report of Gabon to CEDAW refers to provisions in the Penal Code against violence against children under 15, including aggravating sanctions if committed against the girl child by family members.¹ However, these provisions in criminal law do not protect children from all forms of corporal punishment in childrearing: girls and boys may be lawfully hit and hurt in the home and other settings in the guise of “discipline”. **We hope the Committee will emphasise the importance of prohibiting and eliminating physical punishment of girls and boys when taking measures against violence in the family and all other settings.**

2 The legality of corporal punishment of children in Gabon

- 2.1 **Summary:** In Gabon, corporal punishment is unlawful in the penal system as a sentence for crime and as a disciplinary measure in penal institutions and in schools, but it is lawful in the home and alternative care settings.
- 2.2 **Home (lawful):** Legal provisions against violence and abuse are not interpreted as prohibiting corporal punishment in childrearing. In reporting in 2012 on the recommendation to prohibit corporal punishment made during the Universal Periodic Review in 2008 (see para. 3.2, below), the Government stated that the Ministry of Social Affairs is developing a code of social action but went on to suggest that corporal punishment is punishable under existing law.²
- 2.3 **Alternative care settings (lawful):** There is no explicit prohibition of corporal punishment.
- 2.4 **Day care (partially prohibited):** Corporal punishment is unlawful in preschool provision under article 108 of the Law on Orientation of Education, Training and Research 2011 (see para. 2.5) but it is not explicitly prohibited in other early childhood care and in day care for older children.
- 2.5 **Schools (unlawful):** Corporal punishment is unlawful under article 108 of Law No. 21/2011 on the Orientation of Education, Training and Research 2011 (Law No. 21/2011), which came into force in February 2012.
- 2.6 **Penal institutions (unlawful):** Corporal punishment is explicitly prohibited in article 79 of the Law on the Judicial Regime of Protection of Children 2010 (unofficial translation): “Any action or disciplinary proceedings against a minor must be compatible with respect for dignity. It is forbidden, even for disciplinary reasons, to impose a juvenile detainee to cruel, inhuman or degrading treatment, including corporal punishment, confinement in a dark cell in a dungeon or in isolation, or any other punishment that may prejudice his physical or mental health.”
- 2.7 **Sentence for crime (unlawful):** There is no provision for judicial corporal punishment in criminal law.

3 Recommendations by human right treaty monitoring bodies and during the UPR

- 3.1 **CRC:** In 2002, the Committee on the Rights of the Child recommended that corporal punishment be prohibited in Gabon in schools and other institutions and at home.³
- 3.2 **CAT:** In 2013, the Committee Against Torture expressed concern at corporal punishment in homes and schools in Gabon and recommended that legislation be enforced so that corporal punishment is not practised under any circumstances.⁴
- 3.3 **UPR:** Gabon was examined in the first cycle of the Universal Periodic Review in 2008. The recommendation was made “to prohibit by law the worst forms of corporal punishment of

¹ 16 December 2013, CEDAW/C/GAB/6, Sixth state party report, para. 53

² 6 August 2012, A/HRC/WG.6/14/GAB/1, National report to the UPR, para. 48

³ 1 February 2002, CRC/C/15/Add.171, Concluding observations on initial report, paras. 40 and 54

⁴ 17 January 2013, CAT/C/GAB/CO/1, Concluding observations on initial report, paras. 25 and 26

children in all places”: the Government neither accepted nor rejected this recommendation.⁵ The Government accepted recommendations made at the second cycle review in 2012 to “continue public awareness programmes against corporal punishment of children in schools” and to “develop and implement a comprehensive national strategy to fight the worst forms of corporal punishment of children”.⁶

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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⁵ 28 May 2008, A/HRC/8/35, Report of the working group, para. 60(15)

⁶ 13 December 2012, A/HRC/22/5, Report of the working group, paras. 101(31) and 101(69)