



Global Initiative to  
End All Corporal Punishment  
of Children

## BRIEFING ON EQUATORIAL GUINEA FOR THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN PRESESSIONAL WORKING GROUP – March 2012

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### **The human rights obligation to prohibit corporal punishment of girls and boys**

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),<sup>1</sup> addressing corporal punishment is “a key strategy for reducing and preventing all form of violence in societies”.

**This briefing describes the legality of corporal punishment of children in Equatorial Guinea. In light of General Recommendation No. 19 on Violence against women (1992) and the links between corporal punishment of children and all other forms of violence including gender-based violence, 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 Equatorial Guinea, asking what progress has been made towards prohibiting and eliminating corporal punishment in all settings, including the home, and
- recommend to Equatorial Guinea, in the concluding observations on the sixth state party report, that corporal punishment be explicitly prohibited in all settings, including the home, as a matter of priority.

<sup>1</sup> General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment” is available at [www2.ohchr.org/english/bodies/crc/comments.htm](http://www2.ohchr.org/english/bodies/crc/comments.htm).

## **The report of Equatorial Guinea to CEDAW**

The sixth report of Equatorial Guinea to CEDAW (14 April 2011, CEDAW/C/GNQ/6, as at 26 January available only in Spanish) provides extensive information on measures to address violence against women but does not describe any progress towards prohibiting corporal punishment, violence that may lawfully be inflicted on girls and boys in the guise of discipline. However, the report does cite research conducted by the Ministry of Social Affairs and Advancement of Women in 2008 and 2009 which found that 80% of children had been physically punished or verbally abused in the family (see paras. 56 and 57), indicating that the Government accepts that corporal punishment is a form of violence which should be addressed.

## **Corporal punishment of children in Equatorial Guinea**

In Equatorial Guinea, corporal punishment is lawful in the home, schools, penal institutions and alternative care settings. It is unlawful as a sentence for crime.

The Spanish Civil Code (1967) is in force, and this allows for parents and guardians to use “reasonable and moderate” forms of “correction” (articles 154 and 268). Provisions against violence in the Penal Code (1980) and the Constitution (1996) are not interpreted as prohibiting corporal punishment of children. In 2005, a new Children’s Code was being drafted but we have no further information. Also in 2005, draft amendments to the Civil Code had been submitted to the Government, including the replacement of paternal authority with parental authority (article 528), but as at January 2012 new legislation appears not to have been enacted. In 2011, draft amendments to the Constitution were proposed but these would not prohibit all corporal punishment.

Corporal punishment is lawful in schools. The Education Act states that discipline in schools must respect the dignity of the child, and the Ministry of Education launched a campaign to stop the use of corporal punishment in schools, but there is no explicit prohibition of corporal punishment in law.

There is no explicit prohibition of corporal punishment as a disciplinary measure in penal institutions or in care settings, where it is lawful under the right to administer “reasonable and moderate” correction in the Civil Code (see above).

## **Recommendations by human rights treaty bodies**

In its concluding observations on the state party’s initial report in 2004, the Committee on the Rights of the Child expressed concern at corporal punishment of children and recommended that it be explicitly prohibited in the family, schools and other institutions (CRC/C/15/Add.245, paras. 34 and 35). In the same year, the Human Rights Committee expressed concern at corporal punishment of children and recommended relevant child protection measures be put in place (CCPR/CO/79/GNQ, Concluding observations in the absence of a report, para. 10).

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

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