



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

**EQUATORIAL GUINEA**  
**BRIEFING FOR THE HUMAN RIGHTS COUNCIL**  
**UNIVERSAL PERIODIC REVIEW – 6<sup>th</sup> session, 2009**

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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](http://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 Equatorial Guinea, despite the recommendations of the Committee on the Rights of the Child and the Human Rights Committee. 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 corporal punishment of children in all settings, including the home.**

## **1 Legality of corporal punishment in Equatorial Guinea**

1.1 Corporal punishment is lawful in the **home**. The Spanish Civil Code is in force, and this allows for parents and guardians to use “reasonable and moderate” forms of “correction” (articles 154 and 268). Children are protected from excessive punishment under article 420 of the Code. In 2005, a draft Children’s Code was under discussion and amendments to the Civil Code had been proposed, but we have no further details.

1.2 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 has launched a campaign to stop the use of corporal punishment in schools, but there is no explicit prohibition of corporal punishment in law.

1.3 We have been unable to ascertain the legal status of corporal punishment in the **penal system**, as a sentence for crime or 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 2004, in its concluding observations on the state party’s initial report, the **Committee on the Rights of the Child** expressed concern at the legality of 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).

2.2 Also in 2004, the **Human Rights Committee** noted with concern the use of corporal punishment in schools (CCPR/CO/79/GNQ, Concluding observations in the absence of a report, para. 10).