



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

## **GUINEA-BISSAU**

### **BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 8<sup>th</sup> session, 2010**

*From Peter Newell, Coordinator, Global Initiative*

[info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)

*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 Guinea-Bissau and indicates the difficulty of obtaining accurate information from the state. It also describes the concerns of the Committee on the Rights of the Child in this respect. 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-Bissau**

1.1 Corporal punishment is lawful in the **home**. The concluding observations of the Committee on the Rights of the Child in 2002 referred to a prohibition in law of corporal punishment in the family,<sup>1</sup> but we have been unable to find any supporting evidence.

1.2 According to a statistical review by UNICEF, 70% of children aged 2-14 experienced minor physical punishment in the home in 2005-2006, although a smaller percentage of mothers/caretakers (25%) believed that children need to be physically punished. The same review reported that 52% of girls and women aged 15-49 believed that a husband or partner is justified in hitting or beating his wife under certain circumstances.<sup>2</sup>

1.3 Corporal punishment is unlawful in **schools**, but we have no details of applicable legislation.

1.4 In the **penal system**, corporal punishment is unlawful as a sentence for crime. The Constitution prohibits torture and other cruel, inhuman and degrading punishments, but we have no detail of other legislation. Corporal punishment is reportedly prohibited as a disciplinary measure in penal institutions, but we have been unable to confirm this.

1.5 We have been unable to ascertain the legality of corporal punishment in **alternative care settings**.

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

2.1 Following examination of the state party's initial report in 2002, the **Committee on the Rights of the Child** welcomed the prohibition in law of corporal punishment in the family (CRC/C/15/Add.177, para. 4). However, we have been unable to verify that this has been achieved (see above). The Committee expressed concern that corporal punishment is widely practiced in the family and recommended information campaigns to address the problem (paras. 30 and 31).

---

<sup>1</sup> CRC/C/15/Add.177, para. 4

<sup>2</sup> UNICEF (2007), *Progress for Children: A World Fit for Children – Statistical Review, Number 6, December 2007*