



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

GABON – COUNTRY REPORT

Child population: 636,000 (UNICEF, 2009)

Summary of necessary legal reform to achieve full prohibition

Settings where explicit prohibition is necessary

home, schools, alternative care settings

Is there a legal defence for corporal punishment which must be repealed?

??? – We have been unable to find out if legislation confirms a right of parents and others with parental authority to administer corporal punishment in the guise of “reasonable chastisement” or similar. The near universal acceptance of a certain degree of violence in childrearing necessitates clarity in law that all degrees and kinds of corporal punishment are unacceptable and unlawful. Explicit prohibition should be enacted of all corporal punishment, however light, by parents and other adults with parental authority.

Other legislative measures necessary

Schools – The law should explicitly prohibit corporal punishment in all education settings, public and private.

Alternative care settings – Explicit prohibition should be enacted in legislation applicable to all alternative care settings, including residential institutions, day care, foster care, etc.

DETAILED COUNTRY REPORT

Legality of corporal punishment

Home

Corporal punishment is lawful in the home. Legal provisions against violence and abuse are not interpreted as prohibiting corporal punishment in childrearing.

Schools

Corporal punishment is lawful in schools. There is policy against the use of corporal punishment and efforts are made to end the “worst forms” of corporal punishment in schools as noted, for example, in the state party’s initial report to the Committee Against Torture in 2012 (26 October 2011, CAT/C/GAB/1, para. 38), but there is no prohibition in legislation and children continue to be beaten with pipes and other implements by their teachers at school.

Penal system

Corporal punishment is unlawful as a **sentence for crime**.

Corporal punishment is explicitly prohibited as a **disciplinary measure** in penal institutions in article 79 of the Law on the Judicial Regime of Protection of Children: “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” (unofficial translation).

Alternative care

There is no explicit prohibition of corporal punishment in alternative care settings.

Prevalence research

None identified.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

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

“The Committee recommends the State party to ... undertake a study on violence, including sexual violence, against children within the family, at schools and in other institutions to assess the scope, nature and causes of these practices in order to adopt and implement a comprehensive plan of action, effective measures and policies in conformity with article 19 of the Convention, and to contribute to changing attitudes; ... take all necessary steps to introduce the legal prohibition of the use of corporal punishment in schools and other institutions and at home;...

“The Committee recommends that the State party ... implement the ban of corporal punishment at schools and train teachers with alternative measures of discipline....”

Universal Periodic Review

Gabon was examined in the first cycle of the Universal Periodic Review in 2008. The Government neither accepted nor rejected the recommendation was made to prohibit corporal punishment of children in all places (28 May 2008, A/HRC/8/35, Report of the Working Group, para. 60(15)). Examination in the second cycle is scheduled for 2012.

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