



End Violence  
Against Children



End Corporal  
Punishment

# Corporal punishment of children in Guinea

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Child population 6,196,000 (UNICEF, 2015)

Law reform has been achieved. Corporal punishment is unlawful in all settings, including the home.

## Prohibition of corporal punishment

### Home

Corporal punishment is prohibited in the home. Article 767 of the new Children's Code 2019 states (unofficial translation): "All forms of corporal, physical or verbal punishment, cruel, inhuman, degrading or humiliating treatment of children are explicitly prohibited, whether they take place in the family, educational, professional, administrative, judicial or other setting. The child has the right to benefit from health care, safety and a good education. He/she must be treated with respect for his/her person and individuality and cannot be subjected to corporal punishment or other humiliating punishment. Corporal or physical punishment means any physical punishment inflicted on a child by means of beatings or injuries, mutilation, confinement, or other violent, humiliating or degrading means. Corporal or physical punishment also constitutes any act involving the use of physical force in childrearing and intended to cause some degree of pain or discomfort, however light, with a view to correct, control or modify children's behaviour".

Article 768 states that corporal punishment can never be justified as "reasonable". It requires anyone with knowledge of such an offense to immediately inform the administrative or judicial authorities. Additionally, article 770 provides for the deprivation of parental authority when parents inflict of corporal punishment on their children. Articles 844 and 845 of the Code put an obligation on any person, notably health professionals, to report cases of corporal punishment of children to judicial, medical or administrative authorities.

Prior to this reform, corporal punishment was not prohibited in the home. The Civil Code 2019 did not repeat the "right of correction" which existed in article 398 of the Civil Code 1983 but did not explicitly prohibit corporal punishment. Similarly, the provisions against assault in the Penal Code 2016 (arts. 239 to 249) were not interpreted as prohibiting all corporal punishment of children, however light.

### Alternative care settings

Corporal punishment is unlawful in alternative care settings under article 767 of the Children's Code 2019 which states (unofficial translation): "All forms of corporal, physical or verbal punishment, cruel,

inhuman, degrading or humiliating treatment of children are explicitly prohibited, whether they take place in the family, educational, professional, administrative, judicial or other setting.” Articles 768, 844 and 845 of the Code also apply.

### Day care

Corporal punishment is unlawful in educational day care settings under article 767 of the Children’s Code 2019. Article 769 of the Code also applies (see under “Schools”).

### Schools

Corporal punishment is unlawful in schools under article 769 of the Children’s Code 2019, which states (unofficial translation): It is forbidden for any person, in particular school staff members, professionals, learning centres, administrative and judicial institutions, to use any form of insults or corporal punishment on a child, or else they will be liable to criminal sanctions. Disciplinary measures cannot be other than educational, such as additional homework, the accomplishment of a remedial task, being kept after school hours, summons of parents, temporary suspension from 1 to 3 days up to final dismissal from school, pursuant to the school internal regulations. At no time may corporal punishment be inflicted on children, including hitting with the hand or an implement, kicking, shaking or throwing children, pinching, pulling hair, forcing them to stay in an uncomfortable or degrading position, subjecting them to excessive physical exercise, burning their hands or mouth or other corporal punishment as well as humiliating punishment such as verbal abuse, ridiculing children, frustrating them, isolating them or ignoring them.” Article 767 of the Code also applies.

### Penal institutions

Corporal punishment is unlawful as a disciplinary measure in penal institutions under articles 569 and 767 of the Children’s Code 2019.

### Sentence for crime

Corporal punishment is unlawful as a sentence for crime under article 767 of the Children’s Code 2019 which explicitly prohibit corporal punishment in judicial settings.

## Universal Periodic Review of Guinea’s human rights record

Guinea was examined in the first cycle of the Universal Periodic Review in 2010 (session 8). No recommendations were made concerning corporal punishment of children. However, the following recommendations were made and were accepted by the Government:<sup>1</sup>

“Take effective measures to ensure protecting children’s rights in conformity with its international obligations (Ukraine);

“Integrate the various treaties to which Guinea is party into its domestic law, and become a party to other international human rights instruments for the well-being of the Guinean people (Chad)”

The second cycle review took place in 2015 (session 21). No recommendations were made specifically on corporal punishment. However, the Government accepted recommendations to strengthen protection for children from abuse and to promote and protect the rights of the child.<sup>2</sup>

Third cycle examination took place in 2020 (session 35). The following recommendation was extended:<sup>3</sup>

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<sup>1</sup> 14 June 2010, A/HRC/15/4, Report of the working group, paras. 71(6) and 71(7)

<sup>2</sup> 10 April 2015, A/HRC/29/6, Report of the working group; 17 June 2015, A/HRC/29/6/Add.1, Report of the working group: Addendum

<sup>3</sup> 5 February 2020, A/HRC/WG.6/35/L.2 Unedited version, Draft report of the Working Group, para. 113(196)

“Enact the new children’s code that would explicitly prohibit corporal punishment in all settings, including the home (Zambia)”

The Government will examine the recommendation and respond by the 44<sup>th</sup> session of the Human Rights Council in June 2020.

## Recommendations by human rights treaty bodies

### *Committee on the Rights of the Child*

(1 February 2019, CRC/C/GIN/CO/3-6 Advance unedited version, Concluding observations on third/sixth report, para. 24)

“Referring to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee recommends that the State party:

- (a) Ensure that corporal punishment, however light, against children in all settings, is explicitly prohibited by law;
- (b) Review and implement the three-year plan (2017-2019) with a view to providing the necessary human, technical and financial resources;
- (c) Repeal article 398 of the Civil Code on the “right to correction” of parents;
- (d) Promote positive, non-violent and participatory forms of child-rearing and discipline.”

### *Committee on the Rights of the Child*

(13 June 2013, CRC/C/GIN/CO/2, Concluding observations on second report, paras. 48 and 49)

“The Committee, while noting that the Children’s Code prohibits “all forms of physical and psychological maltreatment” in the family, schools and institutions, the Committee remains concerned that:

- a) the Children’s Code does not explicitly prohibit corporal punishment in all settings;
- b) corporal punishment of children remains widespread and socially accepted in the home, in schools, in penal institutions, and in alternative care settings;
- c) some religious interpretations wrongly prescribe whipping as being an integral part of learning the Koran, as indicated by the delegation during the interactive dialogue; and
- d) there is no mechanism available for children to denounce corporal punishment.

“With reference to the Committee’s General Comment No. 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (CRC/GC/8/2006), the Committee urges the State party to:

- a) ensure that different laws and regulations explicitly prohibit corporal punishment;
- b) effectively implement these laws and regulations and systematically initiate legal proceedings against those responsible for mistreating children, including teachers using whips;
- c) introduce sustainable public education, awareness-raising and social mobilization programmes, involving children, families, communities and religious leaders, on both the physical and psychological harmful effects of corporal punishment on the development of children with a view to changing the general attitude towards this practice and promote positive, non-violent and participatory forms of child-rearing and discipline as an alternative; and
- d) ensure the involvement and participation of the whole society, including children, in the design and implementation of preventive strategies against corporal punishment of children.”

### *Committee on the Rights of the Child*

(10 May 1999, CRC/C/15/Add.100, Concluding observations on initial report, para. 20)

“Although the Committee is aware that corporal punishment is prohibited by law, it remains concerned that traditional societal attitudes still regard the use of corporal punishment by parents as an acceptable practice. The Committee recommends that the State party reinforce measures to raise awareness on the negative effects of corporal punishment and ensure that discipline in schools, families and all institutions is administered in a manner consistent with the child’s dignity, in the light of article 28 of the Convention. It also recommends that the State party ensure that alternative disciplinary measures are developed and administered within the family and schools.”

*Committee on the Elimination of Discrimination Against Women*

(10 August 2007, CEDAW/C/GIN/CO/6, Concluding observations on fourth/fifth/sixth report, paras. 26 and 27)

“The Committee remains concerned about the prevalence of violence against women and girls. The Committee is particularly concerned about occurrences of domestic violence, rape, including marital rape, and all forms of sexual abuse of women, and about the persistence of patriarchal attitudes whereby the physical chastisement of family members, including women, is considered acceptable....

“The Committee urges the State party to place the highest priority on implementing a comprehensive approach to address all forms of violence against women. It encourages the State party to make full use of the Committee’s general recommendation 19 in such efforts and of the United Nations Secretary-General’s in-depth study on all forms of violence against women (A/61/122/Add.1 and Corr.1). It urges the State party to raise public awareness through the media and education programmes that all forms of violence against women are unacceptable.... The Committee urges the State party to enact without delay legislation on domestic violence, including marital rape, and all forms of sexual abuse, as requested in the Committee’s previous concluding comments (see A/56/38, part two, chap. IV, para. 135)....”

*African Committee of Experts on the Rights and Welfare of the Child*

([December 2014], Concluding observations on initial report, para. 23)

“The Committee notes with appreciation that corporal punishment is prohibited by law. The Committee nonetheless has concerns on the effective implementation of the law, as well as on the measures put in place to promote non-violent disciplinary measures. The Committee encourages the State Party to explicitly ban corporal punishment in all settings and to adopt a positive discipline as an alternative. The Committee suggests awareness raising, training and sensitisation of the parents, youth, communities and those working with children as well as the proper monitoring of schools and day-cares to ensure that children are free from any kind of abuse and torture.”

## Prevalence/attitudinal research in the last ten years

None identified.

[End Corporal Punishment](#) is a critical initiative of the [Global Partnership to End Violence Against Children](#). Previously known as The Global Initiative to End All Corporal Punishment of Children, we act as a catalyst for progress towards universal prohibition and elimination of corporal punishment of children. We track global progress, support and hold governments to account, partner with organisations at all levels, and engage with human rights treaty body systems.