

GABON

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 14th session, 2012

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

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.

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 also 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 as a matter of priority.

The Global Initiative to End All Corporal Punishment of Children has regularly briefed the Committee on the Rights of the Child on this issue since 2002, 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, and in 2011 began briefing the Committee on the Rights of Persons with Disabilities. There is growing progress across all regions in challenging this common form of violence against children. But many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope the Working Group of the UPR will give particular attention to states’ response, or lack of response, to the concluding observations from treaty bodies on this issue, as well as to the recommendations made during the first cycle of the UPR.

Corporal punishment of children is lawful in Gabon, despite the recommendations by the Committee on the Rights of the Child and during Gabon’s initial UPR in 2008 to prohibit it.

We hope the Human Rights Council will note with concern Gabon’s failure to prohibit all corporal punishment despite treaty body recommendations to do so. We hope states will raise the issue during the review in 2012 and recommend to Gabon that legislation be enacted to explicitly prohibit corporal punishment of children in all settings, including the home, as a matter of priority.

1 The initial review of Gabon by the Human Rights Council (2008)

1.1 Gabon was reviewed in the first cycle of the Universal Periodic Review in 2008 (session 2). The issue of corporal punishment of children was included in the compilation of UN information¹ and in the summary of stakeholders' information.² The following recommendation was made which the Government neither accepted nor rejected:

“To prohibit by law the worst forms of corporal punishment of children in all places (Mexico).”³

1.2 Prohibiting *all* forms of corporal punishment is a key obligation under the Convention on the Rights of the Child and other international human rights instruments, though it is an obligation frequently ignored or evaded by governments. Specifically challenging Gabon in this respect during its second UPR would reflect the seriousness with which the Human Rights Council views violations of the rights of all persons, including children.

1.3 Corporal punishment of children in Gabon is unlawful in the penal system but it is lawful in the home, in schools and in alternative care settings.

2 Legality of corporal punishment in Gabon

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

2.2 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 2012,⁴ but there is no prohibition in legislation and children continue to be beaten with pipes and other implements by their teachers at school.⁵

2.3 In the **penal system**, corporal punishment is unlawful as a sentence for crime: there is no provision for judicial corporal punishment in criminal law. It 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).

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

3 Recommendations by human rights treaty monitoring bodies

3.1 In 2002, the **Committee on the Rights of the Child** recommended prohibition of corporal punishment in the home, schools and other institutions.⁶

¹ 8 April 2008, A/HRC/WG.6/2/GAB/2, Compilation of UN information, para. 20

² 2 April 2008, A/HRC/WG.6/2/GAB/3, Summary of stakeholders' information, para. 1

³ 28 May 2008, A/HRC/8/35, Report of the Working Group of the Universal Periodic Review: Gabon, para. 60(15)

⁴ 26 October 2011, CAT/C/GAB/1, para. 38

⁵ Information provided to the Global Initiative, 6 October 2011

⁶ 1 February 2002, CRC/C/15/Add.171, Concluding observations on initial report, para. 40

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