

# Corporal punishment of children in Cabo Verde

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Child population 186,000 (UNICEF, 2015)



GLOBAL INITIATIVE TO

**End All Corporal  
Punishment of Children**

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

## Prohibition of corporal punishment

### Home

Corporal punishment is unlawful in the home. The Law on Children and Adolescents 2013, in force 2014, states in article 31 (unofficial translation): “(1) The family must provide a loving and safe environment that allows the full development of children and adolescents and protects them from any actions affecting their personal integrity. (2) In exercising the right to correction parents must always keep in mind the rights of children and adolescents to an upbringing free from violence, corporal punishment, psychological harm and any other measures affecting their dignity, which are all inadmissible.”

### Alternative care settings

Corporal punishment is prohibited in public and private institutions under article 128 of the Civil Code 1999 (see under “Schools”, below). The prohibition of corporal punishment in the application of the parental right of correction in the Law on Children and Adolescents 2013 (see under “Home”) applies in non-institutional care settings.

### Day care

Corporal punishment is prohibited in public and private institutions under article 128 of the Civil Code 1999 (see under “Schools”). The prohibition of corporal punishment in the application of the parental right of correction in the Law on Children and Adolescents 2013 (see under “Home”) applies in non-institutional care settings.

### Schools

Corporal punishment is prohibited in public and private schools under article 128 of the Civil Code 1999, which confirms the right not to suffer bodily or moral ill-treatment and states that “the use of

corporal punishment and degrading, humiliating or stigmatizing punishment is forbidden in schools or in any other public or private institution” (unofficial translation).

### **Penal institutions**

Corporal punishment is unlawful as a disciplinary measure in penal institutions under article 128 of the Civil Code 1999 (see under “Schools”).

### **Sentence for crime**

Corporal punishment is unlawful as a sentence for crime. There is no provision for judicial corporal punishment in criminal law. The Constitution 2010 protects physical integrity and prohibits torture, cruel, degrading or inhumane penalties and treatment (art. 27); the Criminal Code also prohibits torture and cruel, inhuman or degrading treatment (art. 162).

## **Universal Periodic Review of Cabo Verde’s human rights record**

Cabo Verde was examined in the first cycle of the Universal Periodic Review in 2008 (session 3). The following recommendations were made:<sup>1</sup>

“To incorporate explicit prohibition of physical punishment into national legislation and monitor its implementation strictly, particularly in the case of police dealing with minors (Chile);

“To adopt all necessary measures to put an end to the widespread practice of corporal punishment of minors at home, in school and by the police force, as recommended by the Committee on the Rights of the Child in 2003 (Germany)”

The Government accepted the recommendations, stating that “the State’s domestic legislation already prohibited all forms of violence by law enforcement officials, and that the monitoring and follow-up of relevant provisions would continue”.<sup>2</sup>

The second cycle review took place in 2013 (session 16). The following recommendations were made and were accepted by the Government:<sup>3</sup>

“Consider prohibiting corporal punishment of children in all forms regardless of settings (Thailand);

“Enact legislation that explicitly prohibits corporal punishment of children in the home (Turkey);

“Prohibit and criminalize corporal punishment imposed on children at home and school, and increase efforts to raise awareness about the negative effects of this practice (Mexico);

“Adopt all the practical measures to end corporal punishment in all places and act drastically against all forms of corporal punishments in school, promoting forms of nonviolent

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<sup>1</sup> 12 January 2009, A/HRC/10/81, Report of the working group, paras. 63(1) and 63(13)

<sup>2</sup> 9 November 2009, A/HRC/10/29, Report of the Human Rights Council on its tenth session, para. 605; see also para. 614

<sup>3</sup> 3 July 2013, A/HRC/24/5, Report of the working group, paras. 115(83), 115(84), 115(85) and 115(86)

disciplinary measures as alternatives and launch public information campaigns to raise awareness about its harmful effects (Uruguay)”

Third cycle examination took place in 2018 (session 30). The following recommendations were extended:<sup>4</sup>

“Increase the protection of children from violence, exploitation and abuse, especially from sexual exploitation and abuse, trafficking and corporal punishment, by implementing effectively existing legislation and protection measures put in place in recent years (Slovenia)”

“Intensify efforts aimed at putting an end to corporal punishment of children in all settings (Namibia)”

The Government supported the recommendations.<sup>5</sup>

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

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

(7 November 2001, CRC/C/15/Add.168, Concluding observations on initial report, paras. 35 and 36)

“The Committee is concerned that corporal punishment is widely practiced in the home and in schools, and by the police forces against vulnerable groups such as street children.

“The Committee recommends that the State party:

- a) take steps to end the practice of corporal punishment in schools and in the home;
- b) conduct, inter-alia, awareness raising and education campaigns to change public attitudes;
- c) provide training and information on alternative forms of non-violent, discipline, and ensure that these are administered in a manner consistent with the child’s human dignity and in conformity with the Convention, especially articles 19 and 28.2....”

### ***Committee Against Torture***

(26 January 2017, CAT/C/CPV/CO/1, Concluding observations on initial report, paras. 42 and 43)

“Although corporal punishment of children is unlawful, the Committee is concerned at reports of frequent use of corporal punishment at home and in schools (art. 16).

“The State party should take practical steps to put an end to corporal punishment and promote non-violent forms of discipline through awareness-raising and public education measures.”

### ***Human Rights Committee***

(23 April 2012, CCPR/C/CPV/CO/1, Concluding observations in the absence of a report, para. 12)

“While noting that corporal punishment is unlawful in schools, penal institutions and care institutions, the Committee is concerned that corporal punishment still occurs as excessive chastisement in the home. Furthermore, the Committee is concerned at reports of frequent use of corporal punishment by teachers (arts. 7 and 24).

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<sup>4</sup> 9 July 2018, A/HRC/39/5, Report of the Working Group, paras. 112(147) and 112(150)

<sup>5</sup> 13 September 2018, A/HRC/39/5/Add.1 Advance unedited version, Report of the Working Group: Addendum, para. 7

The State party should take practical steps to put an end to corporal punishment in all settings. The State party should act vigorously against the use of corporal punishment in schools, promote non-violent forms of discipline as alternatives to corporal punishment, and conduct public information campaigns to raise awareness about its harmful effects.”

### **Prevalence/attitudinal research in the last ten years**

None identified.