



End Violence
Against Children



End Corporal
Punishment

Corporal punishment of children in Cabo Verde

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Child population 186,000 (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 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:¹

“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”.²

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

“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 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:⁴

“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)”

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

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

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

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

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

The Government supported the recommendations.⁵

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(27 June 2019, CRC/C/CPV/CO/2, Concluding observations on second report, paras. 41 and 42)

“The Committee is seriously concerned that, despite the prohibition of corporal punishment in the family environment, beating remains a prevalent disciplinary measure for children and corporal punishment of children is not explicitly prohibited in all settings and circumstances.

“Recalling 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 urges the State party to:

- (a) Review article 128 of the Civil Code, article 133 of the Penal Code and article 31 of the Statute of the Child and Adolescent to explicitly prohibit corporal punishment in all settings, including the home, schools, childcare institutions, alternative care settings and in the administration of justice, and in all circumstances, including for disciplinary purposes;
- (b) Raise the awareness of parents, professionals working with children and the public in general of the harm caused by corporal punishment and promote positive, non-violent and participatory forms of child-rearing and discipline;
- (c) Collect information on the extent of the practice of corporal punishment, with a view to changing social attitudes and practices that justify and accept it;
- (d) Record cases of corporal punishment of children, take adequate measures against perpetrators and ensure that child victims receive appropriate support.

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.”

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

Human Rights Committee

(3 December 2019, CCPR/C/CPV/CO/1/Add.1, Concluding observations on initial report, paras. 39 and 40)

“...The Committee notes the measures taken to address the practice of corporal punishment but is concerned that such practice persists in the State party, particularly in domestic settings (arts. 7, 24 and 26).

“The State party should:

- a) ensure that all forms of abuse, violence and exploitation are criminalised with the national legal framework;
- b) put in place child-friendly reporting mechanisms and ensure that all complaints are investigated, that those accused are prosecuted and, where appropriate, that perpetrators are proportionately sanctioned, and that child victims can access assistance and remedy;
- c) undertake awareness-raising and training activities among members of the general public, civil society representatives, public officials and State agents to improve the protection of children.”

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).

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.”

Committee on the Elimination of All Forms of Discrimination Against Women

30 July 2019, CEDAW/C/CPV/CO/9, Concluding observations on ninth periodic report, para. 29

“Recalling its general recommendation No. 36 (2017) on the right of girls and women to education and taking note of target 4.5 of the Sustainable Development Goals, to eliminate gender disparities in education, the Committee recommends that the State party: ...

- f) Ensure that the national plan to combat sexual violence against children and adolescents for the period 2017-19 is implemented in practice and develop measures to combat all forms of gender-based violence in schools, as well as corporal punishment.”

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.