



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

**BRIEFING ON ANGOLA FOR THE COMMITTEE ON THE ELIMINATION
OF DISCRIMINATION AGAINST WOMEN
PRESESSIONAL WORKING GROUP – July 2012**

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The human rights obligation to prohibit corporal punishment – a key strategy in eliminating all forms of violence

The legality and practice of corporal punishment of girls breaches their fundamental rights to respect for their human dignity and physical integrity, to equality under the law and to protection from all forms of violence – rights guaranteed in the Convention on the Elimination of All Forms of Discrimination Against Women and other international human rights instruments. There are strong links between corporal punishment of children – girls and boys – and all other forms of violence, including gender-based violence. As the Committee on the Rights of the Child emphasised in its General Comment No. 8 (2006),¹ addressing corporal punishment is “a key strategy for reducing and preventing all form of violence in societies”.

This briefing describes the legality of corporal punishment of children in Angola and the extent of recent law reform. In light of General Recommendation No. 19 on Violence against women (1992), the links between corporal punishment of children and all other forms of violence including gender-based violence, and the opportunities for law reform as described in this briefing, we hope the Committee on the Elimination of Discrimination Against Women will:

- **raise the issue of corporal punishment of girls in its List of Issues for Angola, asking what progress has been made towards prohibiting and eliminating corporal punishment in all settings, including the home, and**
- **recommend to Angola, in the concluding observations on the sixth state party report, that corporal punishment be explicitly prohibited in all settings, including the home, as a matter of priority.**

¹ General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment” is available at www2.ohchr.org/english/bodies/crc/comments.htm.

1 Angola's sixth report to CEDAW and lawful, violent "discipline" of girls

1.1 The sixth report of Angola to CEDAW (24 September 2011, CEDAW/C/AGO/6) provides detailed information on measures to address violence against women, including reference to a draft Law Against Domestic Violence, said to establish "the principles of the Convention and of the protection of women and children" (para. 23). The report also cites extensively the provisions of the Family Code. For example, under article 127 of the Code parental rights must be exercised in the best interests of children (para. 205), under article 131 parents must cooperate in the provision of care, protection and assistance to their children (para. 207) and article 4 states that the family and society must protect children and reinforce their education (para. 209).

1.2 The report does *not* mention violence that may lawfully be inflicted on girls and boys within the family – and in other settings – or the fact that the above mentioned laws do not exclude the imposition of physical punishment in the context of childrearing and education.

2 The law regarding corporal punishment of children in Angola

2.1 In Angola, recent law reform only partially protects girls and boys from corporal punishment: there is no explicit prohibition of all corporal punishment, however light, in the home, schools, penal institutions or alternative care settings.

2.2 The Domestic Violence Act (2010) applies to relationships within the family and to "others based on reasons of proximity, affection, education and natural relations, especially a) in kindergarten, b) in nursing homes, c) in hospitals, d) in schools, e) in female or male boarding homes and f) in similar community or social spaces" (unofficial translation). Article 3 defines domestic violence as "any act or omission that causes injury or deformity and temporary or permanent psychological damage" and physical violence as "all conduct which offends bodily integrity or health" (article 3). This makes corporal punishment of some severity unlawful but does not effectively prohibit all forms of corporal punishment, however light, in childrearing and education.

2.3 Article 36 of the Constitution (2010) protects the right of everyone "not to be subjected to any form of violence by public or private entities", "not to be tortured or treated or punished in a cruel, inhumane or degrading manner" and "to fully enjoy physical and mental integrity"; article 60 reiterates that "no one shall be subjected to torture, forced labour or cruel, degrading or inhuman treatment". However, there is no explicit confirmation of children's right not to be subjected to corporal punishment in any form: article 80 on Childhood confirms only protection from "abuse of authority".

3 The law reform needed and opportunities to achieve it

3.1 The Angolan Penal Code is currently being reviewed (2012), providing an opportunity to enact the necessary prohibition of corporal punishment. The draft as at September 2011 punished violence and cruel treatment of children (article 157) but this does not amount to prohibiting all corporal punishment. The near universal acceptance of a degree of violence in childrearing means that physical punishment, unless it is severe, is typically not perceived as "violent" or "cruel" – indeed, it has perversely often been argued that it is in a child's "best interests".

3.2 In the majority of states worldwide, such views have historically been confirmed in legislation and/or in case law, where parents and others have been granted a "right" to inflict

some degree of physical punishment on children under the guise of “discipline”. But even where there appear to be no such legal defences for its use – as seems to be the case in Angola – it is not enough simply to legislate for children to be protected from “violence” or “abuse”. In order to send a clear message which challenges the deeply held assumption that under certain circumstances it is justifiable for adults with authority and power to hit and hurt children who are by definition more vulnerable and dependent – an assumption which can only undermine efforts to eradicate violence against women and girls – it is vital that the law explicitly prohibits all forms of corporal punishment in all settings, including the home.

4 Recommendations by human right treaty monitoring bodies

4.1 The **Committee on the Rights of the Child** has twice expressed concern at corporal punishment of children in Angola and recommended its explicit prohibition in all settings, including the home and all forms of care – in its concluding observations on the state party’s initial report in 2004 (CRC/C/15/Add.246, paras. 32, 33, 36 and 37) and again on the second report in 2010 (CRC/C/AGO/CO/2-4, paras. 36 and 37).

4.2 In considering the implementation in Angola of the Convention on the Elimination of All Forms of Discrimination Against Women, we hope the Committee on the Elimination of Discrimination Against Women will now emphasise to the state party the importance of addressing corporal punishment of children – pursuing its prohibition and elimination – as a vital element in addressing violence against women and girls.

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