



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

**BRIEFING ON CAPE VERDE FOR THE COMMITTEE ON THE
ELIMINATION OF DISCRIMINATION AGAINST WOMEN
PRESESSIONAL WORKING GROUP – October 2012**

From Peter Newell, Coordinator, Global Initiative

info@endcorporalpunishment.org

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 Cape Verde. 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 recommendations of treaty monitoring bodies and during the UPR in 2008, 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 Cape Verde, asking what progress has been made towards prohibiting and eliminating all corporal punishment in all settings, including the home, and**
- **recommend to Cape Verde, in the concluding observations on the seventh/eighth state party report, that all corporal punishment be explicitly prohibited in the home and all forms of care 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 Cape Verde's seventh/eighth report to CEDAW

1.1 The seventh/eighth report of Cape Verde to CEDAW (5 April 2012, CEDAW/C/CPV/7-8) describes efforts to address the problem of violence against women and refers to research which has revealed the social acceptance of husbands punishing/disciplining women (para. 133). However, it does not mention the social *and legal* acceptance of violent “discipline” of girls and boys within the family and other settings.

2 The legality and practice of corporal punishment of children in Cape Verde

2.1 In Cape Verde, corporal punishment of children is prohibited in schools and other institutions, but it is lawful in the home and in non-institutional forms of care.

2.2 With regard to the **home**, there appears to be no confirmation in legislation of a “right” of parents and others with parental authority to administer physical punishment, but legal provisions against violence and abuse do not explicitly prohibit all corporal punishment in childrearing. In 2008, responding to recommendations to prohibit corporal punishment made during the Universal Periodic Review, the Government indicated that existing legislation is adequate.² But the Government had previously confirmed that the law explicitly prohibiting corporal punishment applies only to schools and other institutions.³ We have found no evidence that provisions against violence and abuse in the Juvenile Code, the Penal Code (2003) and the Constitution (2010) are interpreted as prohibiting all corporal punishment in childrearing.

2.3 In **settings outside the home**, article 128 of the Civil Code (1999) confirms the right of a child not to be subjected to corporal punishment in schools and other institutions, public and private. However, there is no explicit prohibition of corporal punishment in non-institutional forms of care.

3 Recommendations by human right treaty monitoring bodies

3.1 In its concluding observations on the state party's initial report in 2001, the **Committee on the Rights of the Child** recommended that the Government end the use of corporal punishment in schools and in the home in Cape Verde.⁴

3.2 In April 2012, the **Human Rights Committee** expressed concern that despite prohibition, corporal punishment continues to be inflicted on children in schools, penal institutions and care institutions; the Committee recommended that steps be taken to end it in all settings.⁵

3.3 Cape Verde was examined in the first cycle of the **Universal Periodic Review** in 2008 (session 3). Recommendations were made “to incorporate explicit prohibition of physical punishment into national legislation and monitor its implementation strictly, particularly in the case of police dealing with minors” and “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”.⁶ The Government did not explicitly accept or reject the recommendations but stated that “the State's domestic

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

³ 9 January 2001, CRC/C/11/Add.23, Initial report to the Committee on the Rights of the Child, para. 127

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

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

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

legislation already prohibited all forms of violence by law enforcement officials, and that the monitoring and follow-up of relevant provisions would continue”.⁷

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
www.endcorporalpunishment.org; infoendcorporalpunishment.org
September 2012

⁷ 9 November 2009, A/HRC/10/29, Report of the Human Rights Council on its tenth session, para. 605