

Corporal punishment of children in Angola: Briefing for the Universal Periodic Review, 20th session, 2014

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

The legality and practice of corporal punishment of children violates their fundamental human rights to respect for human dignity and physical integrity and to equal protection under the law. Under international human rights law – the Convention on the Rights of the Child and other human rights instruments – states have an obligation to enact legislation to prohibit corporal punishment in all settings, including the home.

In Angola, law reform to date has not achieved prohibition of all forms of corporal punishment of children, despite repeated recommendations by the Committee on the Rights of the Child that all corporal punishment be prohibited.

We note that despite the ongoing legality of corporal punishment in Angola, no recommendation to prohibit was made during the first cycle Universal Periodic Review of Angola in 2010.

We hope the Working Group in the second cycle UPR of Angola in 2014 will note with concern the legality of corporal punishment of children. We hope states will raise the issue during the review and make a specific recommendation that legislation is enacted to explicitly prohibit all forms of corporal punishment in the home and all other settings.

1 The initial review of Angola by the Human Rights Council (2010)

1.1 Angola was reviewed in the first cycle of the Universal Periodic Review in 2010 (session 7). The issue of corporal punishment was raised in the summary of stakeholders' information and in the compilation of UN information.¹ No recommendations were made specifically on corporal punishment but the Government accepted recommendations to fulfil its obligations under the Convention on the Rights of the Child and to harmonise domestic law with international law and recommendations generally to address violence against children.²

1.2 Since the initial review, a number of laws have been enacted in Angola which strengthen protection of children from violence and abuse. However, they do not explicitly prohibit all forms of corporal punishment, without exception (see below for details).

¹ 6 November 2009, A/HRC/WG.6/7/AGO/3, Summary of stakeholders' information, para. 15; 11 November 2009, A/HRC/WG.6/7/AGO/2, Compilation of UN information, para. 12

² 24 March 2010, A/HRC/14/11, Report of the working group, paras. 87(26), 87(59), 87(66) and 87(70)

1.3 Compliance with the Convention on the Rights of the Child and other human rights treaties involves enacting legislation to explicitly prohibit all corporal punishment of children in all settings, including the home. Unfortunately, this is an obligation frequently ignored or evaded by Governments. The longstanding and near universal acceptance of some degree of violent punishment in childrearing and education – among lawmakers and other professionals as among the general public – can challenge efforts to achieve prohibition. It also typically means that some forms of physical punishment are not readily perceived as being “violent” (or “harmful” or “abusive”, etc), which is why it is so important that prohibition of corporal punishment is explicit and why legal provisions against “all forms of violence” are inadequate in this respect. **For all these reasons, we respectfully urge members of the Working Group to make specific recommendations to Angola that legislation is enacted to explicitly prohibit all corporal punishment of children in the home.**

2 Legality and practice of corporal punishment in Angola

1.1 **Summary:** Corporal punishment of children in Angola is unlawful as a sentence for crime but it is not prohibited in all its forms in the home, alternative care settings, day care, schools and penal institutions.

1.2 **Home (*not fully prohibited*):** A number of new laws have been enacted but they do not prohibit all corporal punishment of children. The Child Law 2012³ states that the child “shall not be treated in any negligent, discriminatory, violent or cruel manner” (art. 7), that all citizens have a duty “to safeguard the dignity of the child thus protecting them from any such inhuman, cruel, violent, exploiting, humiliating, compromising or discriminatory treatment or other forms of treatment against the dignity and physical integrity of the child” (art. 8) and that “in safeguarding the right to respect of dignity and physical, mental or moral integrity of the child, he or she has the right to be guided and to be disciplined in accordance with his or her age, and his or her physical and mental condition. No corrective measure applied to the child can be justified if by virtue of his or her tender age or any other reason the child is unable to understand the purpose intended by the measure” (art. 10). The Law does not prohibit all corporal punishment in the home or in any other setting.

1.3 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” (art. 3). This makes corporal punishment of a certain severity unlawful but does not effectively prohibit all forms of corporal punishment, however light, in childrearing and education. The Family Code provisions on parental duties and rights do not prohibit all corporal punishment in childrearing.

1.4 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

³ Act No. 25/12 of 22 August 2012

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”.

- 1.5 The Penal Code punishes habitual cruelty against children but does not prohibit all corporal punishment (art. 157). The Code is being revised: an early draft of the new Code punished violence and cruel treatment of children but did not include prohibition of all corporal punishment in the home or any other setting. The Family Code is also being revised: we do not know if prohibition has been proposed in this context.
- 1.6 ***Alternative care settings (not fully prohibited)***: Corporal punishment of some severity is unlawful under the Domestic Violence Act 2010 and limited protection is given by the Child Law 2012 (see paras. 1.2 and 1.3) but there is no explicit prohibition of *all* forms of corporal punishment.
- 1.7 ***Day care (not fully prohibited)***: Corporal punishment of some severity is unlawful under the Domestic Violence Act 2010 and limited protection is given by the Child Law 2012 (see paras. 1.2 and 1.3) but there is no explicit prohibition of *all* forms of corporal punishment.
- 1.8 ***Schools (not fully prohibited)***: Corporal punishment of some severity is possibly unlawful under the Domestic Violence Act 2010 and limited protection is given by the Child Law 2012 (see paras. 1.2 and 1.3) but there is no explicit prohibition. The Education Law 2001 appears to be silent on the issue (unconfirmed).
- 1.9 ***Penal institutions (not prohibited)***: There is no explicit prohibition of corporal punishment as a disciplinary measure in penal institutions.
- 1.10 ***Sentence for crime (unlawful)***: There is no provision for judicial corporal punishment in criminal law.

3 Recommendations by human rights treaty bodies

- 3.1 ***CRC***: The Committee on the Rights of the Child has twice recommended prohibition of corporal punishment in the home and other settings in Angola – following examination of the state party’s initial report in 2004 and the second to fourth report in 2010.⁴

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

⁴ 3 November 2004, CRC/C/15/Add.246, Concluding observations on initial report, paras. 32, 33, 36 and 37; 11 October 2010, CRC/C/AGO/CO/2-4, Concluding observations on second to fourth report, paras. 36 and 37