



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

## **BRIEFING ON ANGOLA FOR THE HUMAN RIGHTS COMMITTEE, COUNTRY REPORT TASK FORCE – July 2012**

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### **The human rights obligation to prohibit corporal punishment**

The legality and practice of corporal punishment of children breaches their fundamental rights to respect for their human dignity and physical integrity and to equal protection under the law, and the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment – rights guaranteed in the International Covenant on Civil and Political Rights and other international human rights instruments.

**This briefing describes the legality of corporal punishment of children in Angola. In light of the obligation under international human rights law to prohibit all corporal punishment of children, the recommendations of the UN Secretary General's Study on Violence against Children, the recommendations to Angola by the Committee on the Rights of the Child and the current law reform processes which provide opportunities for achieving prohibition, we hope the Human Rights Committee will:**

- **raise the issue of corporal punishment of children in its List of Issues for Angola, in particular asking what measures have been taken to ensure the law explicitly prohibits corporal punishment in all settings, including the home and all forms of alternative care, and**
- **recommend to Angola, in its concluding observations on the initial report, that legislation is enacted and enforced which explicitly prohibits corporal punishment in all settings, including the home, as a matter of urgency, together with appropriate public education and professional training on positive, participatory and non-violent forms of education and childrearing.**

## Angola's initial report to the Human Rights Committee

The initial report of Angola to the Human Rights Committee (CCPR/C/AGO/1) describes legal and other measures to promote the rights of the child but makes no mention of corporal punishment, violence that may lawfully be inflicted on children in the name of discipline.

### Corporal punishment of children in Angola

Corporal punishment of children in Angola is unlawful as a sentence for crime but it appears that in other settings – the home, schools and institutions – legislation protects children only from corporal punishment which reaches a certain threshold of severity.

With regard to the **home**, a number of new laws have been enacted but they do not prohibit all corporal punishment of children. 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 a certain severity unlawful but does not effectively prohibit all forms of corporal punishment, however light, in childrearing and education. 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”.

Corporal punishment is not prohibited in **schools**. Corporal punishment of a certain severity is possibly unlawful under the Domestic Violence Act (see above) but there is no explicit prohibition.

In the **penal system**, corporal punishment is unlawful as a sentence for crime under the Penal Code, the Court for Minors Act (1996) and the Code of Procedure for the Court for Minors, which make no provision for judicial corporal punishment. The Constitutional prohibition of cruel, inhuman and degrading treatment of every person applies (see above). There is no explicit prohibition of corporal punishment as a disciplinary measure in penal institutions.

Corporal punishment is lawful in **alternative care settings**. Corporal punishment of a certain severity is unlawful under the Domestic Violence Act (see above) but there is no explicit prohibition of all such punishment, however light.

### Opportunities for achieving law reform to prohibit corporal punishment

There are a number of opportunities for enacting legislation to explicitly prohibit corporal punishment in the home and other settings, as laws are being harmonised with the UN Convention on the Rights of the Child and other international human rights instruments. For example, the Penal and Civil Codes are under review, a draft Code of Criminal Procedure is under discussion and legislation on the prison system is being drafted. As at September 2011, the draft new Penal Code would punish violence and cruel treatment of children (article 157) but would not prohibit all corporal punishment in the home or any other setting: however, the necessary prohibition could be achieved by a small amendment.

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

In 2010, following examination of the state party's second-fourth report, the **Committee on the Rights of the Child** recommended explicit prohibition of corporal punishment of children in all settings, including the family, schools, alternative care settings and places of detention for juveniles (CRC/C/AGO/CO/2-4, paras. 36 and 37). The Committee made similar recommendations in 2004 following examination of the initial report (CRC/C/15/Add.246, paras. 32, 33, 36 and 37).

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