



# General Assembly

Distr.: General  
17 January 2012

Original: English

---

## Human Rights Council

Working Group on the Universal Periodic Review

Sixteenth session

Geneva, 22 April – 3 May 2013

### Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21

#### Cape Verde\*

The present report is a summary of one stakeholder's submission<sup>1</sup> to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

---

\* The present document was not edited before being sent to United Nations translation services.

## **I. Information provided by other stakeholder**

### **A. Implementation of international human rights obligations**

#### **1. Right to life, liberty and security of the person**

1. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that corporal punishment of children is lawful in the home and in non-institutional forms of care, despite recommendations on the issue during the Universal Periodic Review (UPR) in 2008 and by the Committee on the Rights of the Child and the Human Rights Committee.<sup>2</sup>

2. GIEACPC noted that the Government stated to the Human Rights Council at the adoption of the UPR outcome in 2009 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.” However, GIEACPC indicated that the Government made no comment on corporal punishment of children in the home and in non-institutional forms of care.<sup>3</sup>

3. Provisions against violence and abuse in the Juvenile Code, the Penal Code (2003) and the Constitution (2010) are not interpreted as prohibiting all corporal punishment in childrearing. Article 128 of the Civil Code (1999) confirms the right of a child not to be subjected to corporal punishment, but, as the Government has confirmed to the Committee on the Rights of the Child, this applies only to schools and other institutions.<sup>4</sup>

4. Corporal punishment is prohibited in public and private schools under article 128 of the Civil Code.<sup>5</sup>

5. In the penal system, corporal punishment is unlawful as a sentence for crime: there is no provision for judicial corporal punishment in criminal law. It is unlawful as a disciplinary measure in penal institutions under article 128 of the Civil Code.<sup>6</sup>

6. GIEACPC recommended that legislation be enacted to explicitly prohibit corporal punishment of children in the home and in all forms of care as a matter of priority.<sup>7</sup>

*Notes*

- <sup>1</sup> The stakeholder listed below has contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

*Civil society*

- GIEACPC      Global Initiative to End All Corporal Punishment of Children, London, United Kingdom.
- <sup>2</sup> GIEACPC, p. 1.
- <sup>3</sup> GIEACPC, p. 2.
- <sup>4</sup> GIEACPC, p. 2.
- <sup>5</sup> GIEACPC, p. 2.
- <sup>6</sup> GIEACPC, p. 2.
- <sup>7</sup> GIEACPC, p. 1.
-