



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

SAO TOME AND PRINCIPE
BRIEFING FOR THE HUMAN RIGHTS COUNCIL
UNIVERSAL PERIODIC REVIEW – 10th session, 2011

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Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General’s Study on Violence against Children, as a highly significant issue, both for asserting children’s status as rights holders and for the prevention of all forms of violence.

The Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and 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. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states’ response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.

In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment”, which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General’s Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment as a matter of priority.

Summary

This briefing describes the legality of corporal punishment of children in Sao Tome and Principe despite the recommendations of the Committee on the Rights of the Child. We hope the Review will highlight the importance of prohibiting all corporal punishment of children in all settings, including the home, and strongly recommend that the Government enact legislation to achieve this, including through repeal of the “right to punish” children.

1 Legality of corporal punishment in Sao Tome and Principe

1.1 Corporal punishment is lawful in the **home**. Article 86 of Act No. 2/77 recognises parents' right to punish their children. There is no precise legal definition of what constitutes ill-treatment and there is no law specifically covering ill-treatment of children or violence within the family. Protection from general physical assault is given by the Criminal Code, but it is not interpreted as prohibiting corporal punishment in childrearing.

1.2 Corporal punishment is reportedly unlawful in **schools**, but we have no details of applicable legislation.

1.3 In the **penal system**, corporal punishment is unlawful as a sentence for crime, though we have been unable to confirm this in relation to young persons aged over 16. There is no explicit prohibition of corporal punishment as a disciplinary measure in penal institutions or in **alternative care settings**.

2 Recommendations by human rights treaty monitoring bodies

2.1 Following examination of the state party's initial report in 2004, the **Committee on the Rights of the Child** recommended prohibition in law of corporal punishment in all settings, including the home (CRC/C/15/Add.235, para. 34).