

CABO VERDE

NGO Contribution to the List of Issues

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Issue 1. Corporal Punishment (art. 2,7, 24, 26. General Comment 17 sec 1, 3, 6)

Corporal punishment of minors in schools and institutional settings in Cape Verde is prohibited by Articles 119, 128 and 130 of the Civil Code (1997).¹ However, there is evidence that corporal punishment continues to be used in schools in Cape Verde.

Recommended questions:

1. What laws have been enacted to prohibit corporal punishment in the home and outside of institutional settings?
2. What steps to end the practice of corporal punishment in schools and in other public and private institutions dealing with children are being taken by the State?
3. What awareness-raising and education campaigns to change public attitudes towards corporal punishment are being promoted by the State?
4. What training and information on alternative forms of non-violent discipline are being provided to parents, teachers and others who regularly work with children?
5. What steps are being taken to encourage reporting of corporal punishment by children, parents and those who regularly work with children?
6. Who is responsible for enforcing existing laws prohibiting corporal punishment of children in schools and in other institutional settings?
7. What measures are being taken to encourage enforcement of existing laws prohibiting corporal punishment of children in schools and in other institutional settings?

Issue 2. Teacher-Student Sexual Relationship (art. 2, 3, 7, 16, 17, 24, 26. Comment 28 sec. 3, 5, 11, 20)

¹ Código Civil De Cabo Verde, Art. 119 p. 1 (i) and (1), 128 and 130, 1997.

Sexual relations between anyone and a child under the age of 14 is prohibited by Article 144 of the 2004 Penal Code.² Sexual relations between teachers and students between the ages of 14 and 16 is prohibited by Article 145 of the 2004 Penal Code.³ Sexual Relations between teachers and students over the age of 16 are not criminalized in the 2004 Penal Code, but are prohibited by the rules for teachers found in Article 75 of the 2004 Teacher Statutes.⁴ Despite the laws and rules prohibiting them, teacher-student sexual relationships continue to be a problem in Cape Verde.

Recommended questions:

1. Please identify all laws and rules already in place that prohibit teachers from engaging in sexual relationships with students.
2. What steps are being taken to discourage teachers from engaging in sexual relationships with students?
3. What trainings and information are being provided to the general public to change current tolerant attitudes toward student-teacher sexual relationships (especially where the student is below the legal minimum age of consent)?
4. What measures are being taken to encourage reporting of sexual relationships between teachers and their students?
5. Please explain how the current laws and rules prohibiting sexual relationships between teachers and students are enforced.
6. What steps are being taken to encourage investigation and enforcement of laws and rules prohibiting sexual relationships between teachers and students by the police and the ministry of education?

We hope the Committee will include both corporal punishment and teacher-student sexual relationships in its list of issues. We hope the Committee will place particular attention on measures taken by the state party to ensure enforcement of rules and laws already in place prohibiting corporal punishment and relationships between public teachers and students.

² Código Penal De Cabo Verde, Art. 144, 2004.

http://www.mj.gov.cv/index.php?option=com_docman&task=doc_download&gid=59&Itemid=66

³ Código Penal De Cabo Verde, Art. 145, 2004.

http://www.mj.gov.cv/index.php?option=com_docman&task=doc_download&gid=59&Itemid=66

⁴ Estatuto do Pessoal Docente Decreto De Cabo Verde, Art. 75, 2004.