



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

MOZAMBIQUE

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 Mozambique despite the repeated 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 and implement legislation to ensure complete prohibition.

1 Legality of corporal punishment in Mozambique

1.1 Corporal punishment is lawful in the **home**. Provisions against violence and abuse in the Law for the Protection of Children and Adolescents (2007), the Penal Code, the Family Law (2004) and the Constitution (2004) are not interpreted as prohibiting all corporal punishment in childrearing.

1.2 Government directives advise against the use of corporal punishment in **schools**, but there is no explicit prohibition in law. The Law for the Protection of Children and Adolescents puts a duty on school management to report mistreatment of learners but does not explicitly prohibit corporal punishment in schools.

1.3 Corporal punishment is prohibited in the **penal system** but is lawful in **alternative care settings**.

2 Recommendations by human rights treaty monitoring bodies

2.1 The **Committee on the Rights of the Child** has twice recommended that the Government of Mozambique prohibit corporal punishment of children in all setting, including the home – in its concluding observations on the state party’s initial report in 2002 (CRC/C/15/Add.172, para. 39) and on the second report in 2009 (CRC/C/MOZ/CO/2, Advance unedited version, para. 48).