



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

BRIEFING ON PORTUGAL FOR THE COMMITTEE ON THE RIGHTS OF THE CHILD, PRESESSIONAL WORKING GROUP – June 2013

From Peter Newell, Coordinator, Global Initiative

info@endcorporalpunishment.org

This briefing describes the legality of corporal punishment of children in Portugal. In light of the Committee’s General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment” and the information provided in Portugal’s state party report, we hope the Committee will:

- **in its List of Issues for Portugal, raise the issue of corporal punishment of children, in particular asking how assessment is being made of the effectiveness of measures aimed at ensuring the law prohibiting corporal punishment is fully implemented and is leading to a change of attitude towards corporal punishment and to its elimination in practice?**
- **in its concluding observations on the third/fourth report of Portugal, welcome the prohibition of corporal punishment in all settings, including the home, and recommend that all measures are taken to ensure that the prohibiting legislation is fully implemented and enforced and that the effectiveness of these measures in eliminating corporal punishment in practice is rigorously monitored.**

1 Portugal’s report to the Committee on the Rights of the Child

1.1 The third/fourth state party report to the Committee on the Rights of the Child provides substantial information regarding the law prohibiting corporal punishment in all settings in Portugal, measures adopted to prevent and end its use in practice, the promotion of positive non-violent forms of discipline, and mandatory reporting systems for professionals (CRC/C/PRT/3-4, paras. 147-194). However, the report does not provide evidence of the effectiveness of these measures such as research demonstrating a decline in the use of corporal punishment in childrearing and a change in public attitudes towards violent punishment.

2 The legality and practice of corporal punishment of children in Portugal

- 2.1 Prohibition of corporal punishment in all settings, including the home, was achieved in Portugal when the Penal Code was amended in 2007 to state in article 152: “Whoever repeatedly, or not, inflicts physical or psychological ill-treatment, including corporal punishment, deprivation of liberty and sexual offences, is punished with 1 to 5 years of imprisonment.”
- 2.2 Research prior to law reform, by way of telephone interviews with 809 adults in 2004, found significant public support for corporal punishment: 83% believed it acceptable for parents to smack their children, with 16% believing it to be always acceptable and a further 67% believing it acceptable in some circumstances.¹ We have not identified any research since the law change in 2007 by which to assess the impact of prohibition as measured by declining prevalence and public support for corporal punishment in childrearing and education.

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
www.endcorporalpunishment.org; info@endcorporalpunishment.org
March 2013

¹ Market & Opinion Research International (2004), “Attitudes towards smacking children: Portugal”, Research conducted for the Association for the Protection of All Children