

# Progress towards prohibiting all corporal punishment in Latin America and the Caribbean



Global Initiative to  
End All Corporal Punishment  
of Children

Prepared by the Global Initiative to End All Corporal Punishment of Children ([www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)), October 2016

The following table summarises the legal status of corporal punishment of children – and progress towards achieving prohibition – in all settings in all states in Latin America and the Caribbean. As at October 2016, ten states have achieved prohibition in all settings, including the home; governments of at least eight others have expressed a commitment to enacting full prohibition. Thirteen states have prohibited corporal punishment in all alternative care settings, 12 in day care, 20 in schools, 24 in penal institutions and 25 as a sentence for crime.

## States with full prohibition in legislation

The following ten states have prohibited corporal punishment in all settings, including the home.

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Argentina	YES <sup>1</sup>	YES	YES	YES	YES	YES
Bolivia	YES <sup>2</sup>	YES	YES	YES	YES	YES
Brazil	YES <sup>3</sup>	YES	YES	YES	YES	YES
Costa Rica	YES <sup>4</sup>	YES	YES	YES	YES	YES
Honduras	YES <sup>5</sup>	YES	YES	YES	YES	YES
Nicaragua	YES <sup>6</sup>	YES	YES	YES	YES	YES
Paraguay	YES <sup>7</sup>	YES	YES	YES	YES	YES
Peru	YES <sup>8</sup>	YES	YES	YES	YES	YES
Uruguay	YES <sup>9</sup>	YES	YES	YES	YES	YES
Venezuela	YES <sup>10</sup>	YES	YES	YES	YES	YES

## States expressing commitment to law reform in UPR and other contexts

Governments in the following states have expressed a commitment to prohibition of all corporal punishment of children. In the majority of cases this has been through unequivocally accepting recommendations to prohibit made during the Universal Periodic Review (UPR) of the state

<sup>1</sup> Prohibited in Civil and Commercial Code 2014, in force 2016

<sup>2</sup> Prohibited in Children and Adolescents Code 2014

<sup>3</sup> Prohibited in 2014 amendments to Children and Adolescents Code 1990

<sup>4</sup> Prohibited in 2008 amendments to Code on Children and Adolescents and Family Code

<sup>5</sup> Prohibited in 2013 amendments to Family Code and Civil Code

<sup>6</sup> Prohibited in Family Code 2014, in force April 2015

<sup>7</sup> Prohibited in Law on promotion of good treatment, positive parenting and protection of children and adolescents against corporal punishment or any type of violence as a method of correction or discipline 2016

<sup>8</sup> Prohibited in Law prohibiting physical and other humiliating punishment against children and adolescents 2015

<sup>9</sup> Prohibited in 2007 amendments to Civil Code and Children and Adolescents Code 2004

<sup>10</sup> Prohibited in 2007 amendments to Law for the Protection of Children and Adolescents 1998

concerned. Some states have formally confirmed a commitment to prohibition in a public context outside of the UPR.

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Belize <sup>11</sup>	NO	SOME <sup>12</sup>	SOME <sup>13</sup>	YES	SOME <sup>14</sup>	YES
Chile <sup>15</sup>	NO	NO	NO	YES	YES	YES
Cuba <sup>16</sup>	NO	[SOME] <sup>17</sup>	[SOME] <sup>18</sup>	[YES]	YES	YES
Dominican Republic <sup>19</sup>	NO	NO	NO	YES	YES	YES
Ecuador <sup>20</sup>	NO	NO	SOME <sup>21</sup>	YES	YES	SOME <sup>22</sup>
El Salvador <sup>23</sup>	NO	NO	SOME <sup>24</sup>	YES	YES	YES
Mexico <sup>25</sup>	NO	SOME <sup>26</sup>	SOME <sup>27</sup>	YES	YES	YES
Panama <sup>28</sup>	NO	NO	NO	NO	YES	YES

### States without a clear commitment to law reform

The following states have yet to make a clear commitment to prohibiting all corporal punishment. Some of these states have accepted UPR recommendations to prohibit but have also indicated that they consider existing legislation adequately protects children from corporal punishment, in conflict with information collected by the Global Initiative. Some states have accepted some UPR recommendations to prohibit corporal punishment but rejected other similar recommendations.

<i>States without a clear commitment to law reform ...</i>						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Antigua and Barbuda	NO	NO	NO	NO	NO	YES
Bahamas	NO	SOME <sup>29</sup>	NO	NO	[YES] <sup>30</sup>	[NO] <sup>31</sup>

<sup>11</sup> Government accepted UPR recommendation to prohibit (2009)

<sup>12</sup> Prohibited in residential care facilities

<sup>13</sup> Prohibited in day care centres

<sup>14</sup> Prohibited in “Youth Hostel” detention centre

<sup>15</sup> Government accepted UPR recommendations to prohibit in all settings (2014); prohibiting legislation under discussion (2016)

<sup>16</sup> Government adopted Central American Regional Roadmap on Violence against Children (2011) which recommends full prohibition

<sup>17</sup> Possibly prohibited in care institutions

<sup>18</sup> Possibly prohibited in preschool institutions

<sup>19</sup> Government accepted UPR recommendation to prohibit in all settings (2009) and adopted Central American Regional Roadmap on Violence against Children (2011) which recommends full prohibition; prohibiting legislation being drafted (2015)

<sup>20</sup> Government accepted UPR recommendation to prohibit in all settings (2012)

<sup>21</sup> Prohibited in preschool provision

<sup>22</sup> Lawful in indigenous communities

<sup>23</sup> Government accepted UPR recommendation to prohibit in all settings (2010); commitment reaffirmed at Directing Council of the Inter-American Children’s Institute meeting (2014)

<sup>24</sup> Prohibited in preschool provision

<sup>25</sup> Government adopted Central American Regional Roadmap on Violence against Children (2011), which recommends full prohibition; prohibition included in General Law on the Rights of Children and Adolescents 2014 but further reform needed

<sup>26</sup> Prohibited in institutions

<sup>27</sup> Prohibited in institutions

<sup>28</sup> Government accepted UPR recommendations to prohibit (2010, 2015)

<sup>29</sup> Prohibited in residential institutions

<i>States without a clear commitment to law reform ...</i>						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Barbados	NO	NO	SOME <sup>32</sup>	NO	NO	NO
Colombia	NO	[SOME] <sup>33</sup>	NO	[YES] <sup>34</sup>	[YES] <sup>35</sup>	SOME <sup>36</sup>
Dominica	NO	NO	SOME <sup>37</sup>	NO	NO	NO
Grenada	NO	SOME <sup>38</sup>	NO	NO	NO	NO <sup>39</sup>
Guatemala <sup>40</sup>	NO	NO	NO	NO	YES	YES
Guyana	NO	SOME <sup>41</sup>	SOME <sup>42</sup>	NO	SOME <sup>43</sup>	SOME <sup>44</sup>
Haiti	NO <sup>45</sup>	[YES] <sup>46</sup>	[YES] <sup>47</sup>	YES	YES	YES
Jamaica	NO	YES	SOME <sup>48</sup>	NO <sup>49</sup>	YES	YES
St Kitts and Nevis	NO	NO	NO	NO	NO	[YES] <sup>50</sup>
St Lucia <sup>51</sup>	NO	NO	NO	NO	NO	YES
St Vincent and the Grenadines	NO	NO	NO	NO	NO	NO
Suriname	NO	NO	NO	NO <sup>52</sup>	YES	YES
Trinidad and Tobago	NO	YES	YES	YES	YES	YES

## Note

The above information is based wherever possible on examination of national legislation; additional information is gathered from many sources, including reports to and by the United Nations human rights treaty bodies.

**Information in square brackets is unconfirmed.** We are very grateful to government officials, UNICEF and other UN agencies, NGOs and human rights institutions, and many individuals who have assisted us in our research. We welcome corrections and updates: email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org). For further details on all states see the individual state reports at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org).

*Analysis prepared by the Global Initiative to End All Corporal Punishment of Children*  
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<sup>30</sup> But some legislation possibly still to be repealed

<sup>31</sup> Prohibited in 1984 but reintroduced in 1991

<sup>32</sup> Prohibited in day nurseries

<sup>33</sup> Possibly unlawful in care institutions

<sup>34</sup> Prohibition in indigenous communities unconfirmed

<sup>35</sup> Prohibition in indigenous communities unconfirmed

<sup>36</sup> Lawful in indigenous communities

<sup>37</sup> Prohibited in early childhood education facilities

<sup>38</sup> Prohibited in childcare homes

<sup>39</sup> Prohibited in Juvenile Justice Act 2012, not yet in force

<sup>40</sup> Government accepted UPR recommendation to prohibit in the home (2008) and in all settings (2012) but has also said existing law prohibits

<sup>41</sup> Prohibited in some but not all settings in Child Care and Services Development Act 2011

<sup>42</sup> Prohibited in some but not all settings in Child Care and Services Development Act 2011

<sup>43</sup> Prohibited for persons under 17

<sup>44</sup> Prohibited for persons under 17

<sup>45</sup> Bill which would prohibit under discussion (2015)

<sup>46</sup> Prohibition in foster care unconfirmed

<sup>47</sup> Prohibition in crèches and childminding unconfirmed

<sup>48</sup> Prohibited in early childhood centres (“basic schools”)

<sup>49</sup> Prohibition under discussion (2015); see also note on day care

<sup>50</sup> But some legislation still to be formally repealed

<sup>51</sup> Government accepted some but not all UPR recommendations to prohibit (2015)

<sup>52</sup> Government accepted UPR recommendation to prohibit in schools (2011)