

Progress towards prohibiting all corporal punishment in Latin America

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



Global Initiative to
End All Corporal Punishment
of Children

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 seven others have expressed a commitment to enacting full prohibition. Ten states have prohibited corporal punishment in all alternative care settings, ten in day care, 17 in schools, 19 in penal institutions and 17 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 ¹	YES	YES	YES	YES	YES
Bolivia	YES ²	YES	YES	YES	YES	YES
Brazil	YES ³	YES	YES	YES	YES	YES
Costa Rica	YES ⁴	YES	YES	YES	YES	YES
Honduras	YES ⁵	YES	YES	YES	YES	YES
Nicaragua	YES ⁶	YES	YES	YES	YES	YES
Paraguay	YES ⁷	YES	YES	YES	YES	YES
Peru	YES ⁸	YES	YES	YES	YES	YES
Uruguay	YES ⁹	YES	YES	YES	YES	YES
Venezuela	YES ¹⁰	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

¹ Prohibited in Civil and Commercial Code 2014, in force 2016

² Prohibited in Children and Adolescents Code 2014

³ Prohibited in 2014 amendments to Children and Adolescents Code 1990

⁴ Prohibited in 2008 amendments to Code on Children and Adolescents and Family Code

⁵ Prohibited in 2013 amendments to Family Code and Civil Code

⁶ Prohibited in Family Code 2014, in force April 2015

⁷ 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

⁸ Prohibited in Law prohibiting physical and other humiliating punishment against children and adolescents 2015

⁹ Prohibited in 2007 amendments to Civil Code and Children and Adolescents Code 2004

¹⁰ 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
Chile ¹¹	NO	NO	NO	YES	YES	YES
Cuba ¹²	NO	[SOME] ¹³	[SOME] ¹⁴	[YES]	YES	YES
Dominican Republic ¹⁵	NO	NO	NO	YES	YES	YES
Ecuador ¹⁶	NO	NO	SOME ¹⁷	YES	YES	SOME ¹⁸
El Salvador ¹⁹	NO	NO	SOME ²⁰	YES	YES	YES
Mexico ²¹	NO	SOME ²²	SOME ²³	YES	YES	YES
Panama ²⁴	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.

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
Colombia	NO	[SOME] ²⁵	NO	[YES] ²⁶	[YES] ²⁷	SOME ²⁸
Guatemala ²⁹	NO	NO	NO	NO	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

¹¹ Government accepted UPR recommendations to prohibit in all settings (2014); prohibiting legislation under discussion (2016)

¹² Government adopted Central American Regional Roadmap on Violence against Children (2011) which recommends full prohibition

¹³ Possibly prohibited in care institutions

¹⁴ Possibly prohibited in preschool institutions

¹⁵ 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)

¹⁶ Government accepted UPR recommendation to prohibit in all settings (2012)

¹⁷ Prohibited in preschool provision

¹⁸ Lawful in indigenous communities

¹⁹ Government accepted UPR recommendation to prohibit in all settings (2010); commitment reaffirmed at Directing Council of the Inter-American Children's Institute meeting (2014)

²⁰ Prohibited in preschool provision

²¹ 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

²² Prohibited in institutions

²³ Prohibited in institutions

²⁴ Government accepted UPR recommendations to prohibit (2010, 2015)

²⁵ Possibly unlawful in care institutions

²⁶ Prohibition in indigenous communities unconfirmed

²⁷ Prohibition in indigenous communities unconfirmed

²⁸ Lawful in indigenous communities

²⁹ Government accepted UPR recommendation to prohibit in the home (2008) and in all settings (2012) but has also said existing law prohibits

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. For further details on all states see the individual state reports at www.endcorporalpunishment.org.

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