

Progress towards prohibiting all corporal punishment in Organization of American States member states



Global Initiative to
End All Corporal Punishment
of Children

Prepared by the Global Initiative to End All Corporal Punishment of Children (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 member states of the Organization of American States. 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, 21 in schools, 25 in penal institutions and 27 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
Belize ¹¹	NO	SOME ¹²	SOME ¹³	YES	SOME ¹⁴	YES
Chile ¹⁵	NO	NO	NO	YES	YES	YES
Cuba ¹⁶	NO	[SOME] ¹⁷	[SOME] ¹⁸	[YES]	YES	YES
Dominican Republic ¹⁹	NO	NO	NO	YES	YES	YES
Ecuador ²⁰	NO	NO	SOME ²¹	YES	YES	SOME ²²
El Salvador ²³	NO	NO	SOME ²⁴	YES	YES	YES
Mexico ²⁵	NO	SOME ²⁶	SOME ²⁷	YES	YES	YES
Panama ²⁸	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.

¹¹ Government accepted UPR recommendation to prohibit (2009)

¹² Prohibited in residential care facilities

¹³ Prohibited in day care centres

¹⁴ Prohibited in “Youth Hostel” detention centre

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

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

¹⁷ Possibly prohibited in care institutions

¹⁸ Possibly prohibited in preschool institutions

¹⁹ 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)

²⁰ Government accepted UPR recommendation to prohibit in all settings (2012)

²¹ Prohibited in preschool provision

²² Lawful in indigenous communities

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

²⁴ Prohibited in preschool provision

²⁵ 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

²⁶ Prohibited in institutions

²⁷ Prohibited in institutions

²⁸ Government accepted UPR recommendations to prohibit (2010, 2015)

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 ²⁹	NO	NO	[YES] ³⁰	[NO] ³¹
Barbados	NO	NO	SOME ³²	NO	NO	NO
Canada	NO ³³	SOME ³⁴	SOME ³⁵	YES ³⁶	YES	YES
Colombia	NO	[SOME] ³⁷	NO	[YES] ³⁸	[YES] ³⁹	SOME ⁴⁰
Dominica	NO	NO	SOME ⁴¹	NO	NO	NO
Grenada	NO	SOME ⁴²	NO	NO	NO	NO ⁴³
Guatemala ⁴⁴	NO	NO	NO	NO	YES	YES
Guyana	NO	SOME ⁴⁵	SOME ⁴⁶	NO	SOME ⁴⁷	SOME ⁴⁸
Haiti	NO ⁴⁹	[YES] ⁵⁰	[YES] ⁵¹	YES	YES	YES
Jamaica	NO	YES	SOME ⁵²	NO ⁵³	YES	YES
St Kitts and Nevis	NO	NO	NO	NO	NO	[YES] ⁵⁴
St Lucia ⁵⁵	NO	NO	NO	NO	NO	YES
St Vincent and the Grenadines	NO	NO	NO	NO	NO	NO
Suriname	NO	NO	NO	NO ⁵⁶	YES	YES
Trinidad and Tobago	NO	YES	YES	YES	YES	YES
USA	NO	SOME ⁵⁷	SOME ⁵⁸	SOME ⁵⁹	SOME ⁶⁰	YES

²⁹ Prohibited in residential institutions

³⁰ But some legislation possibly still to be repealed

³¹ Prohibited in 1984 but reintroduced in 1991

³² Prohibited in day nurseries

³³ 2004 Supreme Court ruling limited but upheld parents' right to physically punish children; Bill which would prohibit under discussion (2016)

³⁴ Prohibited in state provided care in Alberta, British Columbia and Manitoba and in foster care in Alberta, British Columbia, Manitoba and Ontario; in Ontario prohibited in provincially licensed childcare programmes and in foster homes for children receiving services from provincially licensed/approved child protection agency or other service provider

³⁵ Prohibited in all states/territories except New Brunswick

³⁶ Unlawful under 2004 Supreme Court ruling but this not yet confirmed in laws relating to private schools and to all schools in Alberta and Manitoba

³⁷ Possibly unlawful in care institutions

³⁸ Prohibition in indigenous communities unconfirmed

³⁹ Prohibition in indigenous communities unconfirmed

⁴⁰ Lawful in indigenous communities

⁴¹ Prohibited in early childhood education facilities

⁴² Prohibited in childcare homes

⁴³ Prohibited in Juvenile Justice Act 2012, not yet in force

⁴⁴ Government accepted UPR recommendation to prohibit in the home (2008) and in all settings (2012) but has also said existing law prohibits

⁴⁵ Prohibited in some but not all settings in Child Care and Services Development Act 2011

⁴⁶ Prohibited in some but not all settings in Child Care and Services Development Act 2011

⁴⁷ Prohibited for persons under 17

⁴⁸ Prohibited for persons under 17

⁴⁹ Bill which would prohibit under discussion (2015)

⁵⁰ Prohibition in foster care unconfirmed

⁵¹ Prohibition in crèches and childminding unconfirmed

⁵² Prohibited in early childhood centres ("basic schools")

⁵³ Prohibition under discussion (2015); see also note on day care

⁵⁴ But some legislation still to be formally repealed

⁵⁵ Government accepted some but not all UPR recommendations to prohibit (2015)

⁵⁶ Government accepted UPR recommendation to prohibit in schools (2011)

⁵⁷ Prohibited in all care settings in 31 states, and in some settings in other states and District of Columbia

⁵⁸ Prohibited in all care settings in 31 states, and in some settings in other states and District of Columbia

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

Analysis prepared by the Global Initiative to End All Corporal Punishment of Children
www.endcorporalpunishment.org; info@endcorporalpunishment.org
October 2016

⁵⁹ Prohibited in public schools in 29 states and District of Columbia, and in public and private schools in Iowa and New Jersey; federal bill which would prohibit under discussion (2015)

⁶⁰ Prohibited in 32 states