



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

## **PARAGUAY**

### **BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 10<sup>th</sup> session, 2011**

*From Peter Newell, Coordinator, Global Initiative*

[info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)

*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](http://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 Paraguay 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 urge the Government to enact legislation to achieve this as a matter of priority.**

## **1 Legality of corporal punishment in Paraguay**

1.1 Corporal punishment is lawful in the **home**. Provisions against violence and abuse in the Constitution (1992), the Children and Adolescents Code (2001), the Criminal Code (1998) and the Law Against Domestic Violence (2000) are not interpreted as prohibiting all corporal punishment in childrearing.

1.2 There is no explicit prohibition of corporal punishment in **schools**. A number of laws protect students' dignity, including the Children and Adolescents Code (articles 21, 22 and 114) and the General Education Law (1998) (article 125), but there is no prohibition of all corporal punishment.

1.3 Corporal punishment is unlawful in the **penal system**, but it is not explicitly prohibited 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 Paraguay prohibit all forms of corporal punishment of children in the home and other settings – in its concluding observations on the state party's second report in 2001 (CRC/C/15/Add.166, para. 32) and on the third report in 2010 (CRC/C/PRY/CO/3 Advance Unedited Version, paras. 38 and 39).