



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

## **PARAGUAY – COUNTRY REPORT**

Child population: 2,563,000 (UNICEF, 2009)

### **Summary of necessary legal reform to achieve full prohibition**

#### ***Settings where explicit prohibition is necessary***

home, schools, alternative care settings

#### ***Is there a legal defence for corporal punishment which must be repealed?***

No – There appears to be no confirmation in legislation of a right of correction for parents and others with parental authority, but laws against violence and abuse are not interpreted as prohibiting all corporal punishment of children. The near universal social acceptance of corporal punishment in childrearing necessitates clarity in law that no level of corporal punishment is acceptable. The law should explicitly prohibit all corporal punishment and other cruel or degrading forms of punishment, in the home and all other settings where adults have parental authority, and all legal defences confirming a right of correction should be repealed.

#### ***Other legislative measures necessary***

*Schools* – Explicit prohibition should be enacted of corporal punishment in all education settings (public and private).

*Alternative care settings* – Explicit prohibition should be enacted in legislation applicable to all alternative care settings, including public and private day care, residential institutions, foster care, etc, in addition to repeal of all legal defences confirming a right of correction.

# DETAILED COUNTRY REPORT

## Legality of corporal punishment

### Home

Corporal punishment is lawful in the home. There appears to be no confirmation in legislation of a right of correction for parents but 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. Under the Children and Adolescents Code, children must obey and respect their parents (article 30) and parents are obliged to protect, educate and care for their children (article 4). Children are legally protected only from corporal punishment which is considered to cause harm or injury (Children and Adolescents Code, articles 72 and 73; Penal Code, articles 112 and 134).

A bill has been drafted which would prohibit corporal punishment in all settings, and is being promoted by representatives from civil society and public institutions in a national working group established for the purpose in 2011. As at December 2011, the draft was being reviewed and plans were being made with the aim of ensuring adoption of the law in 2012.

### Schools

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 corporal punishment.

### Penal system

Corporal punishment is unlawful as a **sentence for crime**. The Constitution prohibits cruel, inhuman and degrading treatment (article 5) and there is no provision for judicial corporal punishment in the Criminal Code or the Code of Criminal Procedure (1998). Justice for indigenous peoples under customary law must be carried out in accordance with the Constitution.

Corporal punishment is explicitly prohibited as a **disciplinary measure** in penal institutions in article 245 of the Children and Adolescents Code.

### Alternative care

Corporal punishment is prohibited in shelter homes under articles 21 and 28 of the Enabling Regulations for the operation of shelter homes for children and adolescents in the special protection system (2006) under the Children and Adolescents Code. There is no explicit prohibition of corporal punishment in other alternative care settings.

## Prevalence research

A 2010 UNICEF study found that 61% of respondents had experienced violence or other kinds of mistreatment from their closest family members. The study, the first of its kind in Paraguay, involved over 800 children and young people aged 10-18, attending 54 private and public schools in different areas of the country. One in three respondents (35%) had experienced severe physical violence (being hit with objects, kicked, burned or suffocated) in their families; 13% had experienced "light" physical violence (including slaps, having their hair pulled and being forced to stay in uncomfortable positions); 13% had experienced psychological violence such as insults and threats of abandonment. The physical

violence had serious consequences, with 13% of respondents reporting being hit until they bled and 7.7% needing medical attention. More than half said they began to experience family violence between the ages of 3 and 5. Boys experienced more severe physical violence than girls, while girls experienced more psychological violence than boys. Physical and psychological violence was experienced by children of all social classes, although children at public and subsidised schools experienced more physical violence than children in private schools, while children in private schools experienced more psychological violence than their publicly schooled peers. Parents with a higher level of education were less likely to use physical violence – for example, 23.9% of mothers and 26.8% of fathers who had been to university used severe physical violence as a punishment, compared with 46.8% of mothers and 55.6% of fathers who had not been to school. UNICEF (2010), *Resumen Para Prensa: Estudio sobre maltrato infantil en el ámbito familiar, Paraguay 2010*)

A national survey carried out by the Documentation and Study Centre, based on data from 2001, found that 54% consider family violence to be very frequent, 40% frequent; 28% thought that physical violence helped to educate children, 82% thought that spanking was acceptable in certain circumstances. (Reported in 27 March 2009, CRC/C/PRY/3, *Third state party report to the Committee on the Rights of the Child*, para. 378)

## **Recommendations by human rights treaty bodies**

### *Committee on the Rights of the Child*

(10 February 2010, CRC/C/PRY/CO/3, Concluding observations on third report, paras. 35, 36, 37, 38 and 39)

“The Committee is concerned about reports of torture, cruel and inhuman treatment of children living on the streets by the police. It is also concerned at the allegations received of cruel and degrading treatment received by children who are deprived of liberty. Furthermore, the Committee is concerned that insufficient information has been provided on the investigations of these allegations and the measures taken by the State party to bring alleged perpetrators of these acts to justice.

“The Committee recommends that the State party:

- a) adopt appropriate measures to combat torture and cruel, inhuman or degrading treatment, including systematic training programmes at the national and local level, addressed to all professionals working with and for children on prevention of and protection against torture and other forms of ill-treatment;
- b) investigate and prosecute all cases of torture and ill-treatment of children, in order to prevent impunity, ensuring that abused children are not re-victimized in legal proceedings and that their privacy is protected;
- c) ensure that child victims are provided with appropriate services for care, recovery and reintegration;
- d) undertake public education campaigns to promote a culture of non-violence;
- e) establish the national preventive mechanism for the prevention of torture.

“The Committee welcomes the initiatives undertaken by the State party to prevent violence against children, such as awareness campaigns organized in cooperation with relevant organizations. However, it is concerned that there is no explicit prohibition of corporal punishment in schools, at home, in penal institutions or in situations of employment and that corporal punishment is culturally accepted as a form of education and family discipline.

“The Committee recommends that the State party, as a matter of urgency:

- a) expressly prohibit corporal punishment by law in all settings, taking into account 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;

b) set up an effective monitoring system in order to ensure that abuses of power by teachers or other professionals working with children does not take place; and

c) carry out public education, awareness-raising and social mobilization campaigns on corporal punishment with a view to changing the general attitude towards this practice and promote positive, non-violent, participatory forms of child-rearing and education.

“With reference to the United Nations study on violence against children (A/61/299), the Committee recommends that the State party:

a) take all necessary measures for the implementation of the recommendations contained in the report of the independent expert for the United Nations study on violence against children while taking into account the outcome and recommendations of the regional consultation for Latin America held in Argentina between 30 May and 1 June 2005. In particular, the Committee recommends that the State party pay particular attention to the following recommendations:

- (i) To prohibit all violence against children, including corporal punishment in all settings;
- (ii) To promote non-violent values and awareness-raising;
- (iii) To ensure accountability and end impunity....”

#### *Committee on the Rights of the Child*

(6 November 2001, CRC/C/15/Add.166, Concluding observations on second report, paras. 31 and 32)

“The Committee is concerned that corporal punishment of children remains socially acceptable in Paraguay and that it is still practised in families, schools and other institutions.

“In light of articles 3, 19, and 28 (2) of the Convention, the Committee encourages the State party to:

a) develop measures to raise awareness about the harmful effects of corporal punishment and encourage use of alternative forms of discipline in families to be administered in a manner consistent with the child’s dignity and in conformity with the Convention; and

b) explicitly prohibit corporal punishment in the family, in schools and in other institutions.”

#### *Committee Against Torture*

([November 2011], CAT/C/PRY/CO/4-6 Advance Unedited Version, Concluding observations on fourth-sixth report, para. 26; as at 28 December 2011, available only in Spanish)

“El Comité toma nota de las medidas adoptadas para prohibir castigos corporales a niños que se encuentren con sus madres privadas de libertad y en hogares de abrigo. El Comité toma nota asimismo de la información proporcionada por la delegación del Estado parte sobre la existencia de un anteproyecto de ley para prohibir el castigo corporal. Sin embargo, al Comité le preocupa que el castigo corporal no se encuentre prohibido aún en el ámbito doméstico (art. 16).

El Comité recomienda que el Estado parte prohíba expresamente el castigo corporal de niños en todas las circunstancias, con inclusión del ámbito doméstico.”

## **Universal Periodic Review**

Paraguay was examined in the first cycle of the Universal Periodic Review in 2011. No recommendations were made concerning corporal punishment of children. Examination in the second cycle is scheduled for 2016.

*Report prepared by the Global Initiative to End All Corporal Punishment of Children*  
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