



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

VENEZUELA – COUNTRY REPORT

Child population: 10,161, 000 (UNICEF, 2009)

Summary of necessary legal reform to achieve full prohibition

Corporal punishment is prohibited in all settings, including the home.

DETAILED COUNTRY REPORT

Legality of corporal punishment

Home

Corporal punishment is prohibited in the home. In 2007, a law was passed to reform the Organic Law for the Protection of Children and Adolescents (1998) to prohibit all corporal punishment. It inserted a new article 32-A (“the right to good treatment”) into the Law explicitly stating that “all forms of physical and humiliating punishment are prohibited”. It puts an obligation on “parents, representatives, guardians, relatives, and teachers” to use “non-violent methods of education and discipline to raise and educate their children”, and places an obligation on the State – “with the active participation of society” – to “ensure policies, programmes and protection measures are in place to abolish all forms of physical and humiliating punishment of children and young people”. Article 32-A defines corporal punishment as “the use of force, in raising or educating children, with the intention of causing any degree of physical pain or discomfort to correct, control or change the behaviour of children and young people”. Humiliating punishment is defined as “any form of offensive, denigrating, devaluing, stigmatising or mocking, treatment, carried out to raise or educate children and young people, with the aim of disciplining, controlling or changing their behaviour”.

Article 358 of the Law, which had originally provided a justification for the use of corporal punishment because of its confirmation of the duty and right to use “appropriate corrective measures”, was amended by the 2007 law to clarify that this excludes the use of corporal punishment: “The responsibility for raising children includes the shared duty and right, which is equal and non-derogable, of the father and mother to love, raise, train, educate, and look after their children, sustain and assist them financially, morally and emotionally, using appropriate corrective measures that do not violate their dignity, rights, guarantees or overall development. Consequently, all forms of physical punishment, psychological violence and humiliating treatment, which harm children and young people, are prohibited.”

Schools

Corporal punishment was first prohibited in schools in 1998, in article 57 of the Organic Law for the Protection of Children and Adolescents. As amended by the reforms in 2007, this Law also clarifies the prohibition in article 56 on “the right to be respected by teachers”, which states: “All children and young people have the right to be respected by their teachers, and receive an education based on love, affection, mutual understanding, national identity, mutual respect for ideas and beliefs, and solidarity. Consequently, all forms of physical and humiliating punishment are prohibited.”

Penal system

Corporal punishment is unlawful as a **sentence for crime**. It is not a permitted sanction under the Organic Law for the Protection of Children and Adolescents (article 621), which allows only protection measures for children below 12 years and for those between 12 and 18 years reprimands, imposition of rules of behaviour, community service, parole, semi-liberty and detention. The Constitution (article 60) prohibits cruel, inhuman or degrading treatment or punishment.

Corporal punishment is unlawful as a **disciplinary measure** in penal institutions. Article 630 of the Organic Law for the Protection of Children and Adolescents states that in the application of sanctions the adolescent has the right to receive dignified and humanitarian treatment. Article 631 states that a child deprived of liberty has the right to “not be, in any case ... submitted to corporal

punishment”. Article 638 states that the internal regulations of each detention centre must include as a minimum “a strict regulation of sanctions that can be imposed on the adolescent, during the fulfilment of the measure. In no case can cruel, inhumane or degrading measures be applied, including corporal punishment”.

Alternative care

Corporal punishment is prohibited in alternative care settings under article 32-A of the Organic Law for the Protection of Children and Adolescents (see above).

Prevalence research

Surveys carried out in 2002-2004 examined the attitudes of children and adults in Argentina, Brazil, Costa Rica, Nicaragua, Peru and Venezuela towards physical punishment. In Venezuela, 889 people were surveyed (685 children and 204 adults). Nearly half (46.8%) of the children and 30.2% of the adults agreed that physical punishment is “very bad” or “makes children violent”, and 13.4% of the children and 35.1% of the adults agreed that children should not be physically punished or that “punishment does not solve anything”. More than eight in ten adults (83.4%) and 71.2% of children thought that physical punishment is never necessary. (Save the Children Sweden & Instituto de Encuestas y Sondeos de Opinión (2005), *Sistematización de las Encuestas Sobre la Percepción del Castigo Físico en Seis Países de America Latina*, presentation: Managua, 16 May 2005)

A 2004 national study of the perceptions of physical and humiliating punishment of 694 children and 205 adults found a high acceptance of corporal punishment in childrearing, including smacking on the bottom (33% children, 44% adults), pinching (21% children, 6% adults), shouting (28% children, 9% adults) and insulting, humiliating, throwing water on the child’s face and putting the child under the shower (19% children, 7% adults). Many children believed that parents hit them as an expression of love and because it would help them become better people; parents said corporal punishment teaches children respect and prevents negative behaviour. (Trapani, C. (2007), *Experience of advocacy for legal reform about physical and humiliating punishment against boys, girls and adolescents in Venezuela*, cited in Galvis, M. C. & Reyes, G. (2011), “Venezuela: The process of prohibiting physical and humiliating punishment”, in Durrant, J. E. & Smith, A. B. (eds) (2011), *Global Pathways to Abolishing Physical Punishment: Realizing Children’s Rights*, New York: Routledge, pp. 281-286)

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(5 October 2007, CRC/C/VEN/CO/2 Unedited Version, Concluding observations on second report, paras. 53, 54 and 55)

“With reference to the United Nations Secretary-General’s study on violence against children, the Committee recommends that the State party:

a) take all necessary measures to implement the recommendations of the United Nations Study on violence against children (A/61/299) taking into account the outcome and recommendations of the Regional Consultation 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. Prohibit all violence against children, including corporal punishment in all places....

“The Committee welcomes the information provided by the delegation that corporal punishment

will be prohibited, however, the Committee is concerned that corporal punishment is still lawful. Furthermore, the Committee is concerned that there is an under reporting of abuse and ill-treatment of children.

“The Committee urges the State party to adopt and implement new laws explicitly prohibiting corporal punishment in all settings, including in the home and to conduct awareness raising and public education campaigns against corporal punishment and promote non-violent, participatory methods of childrearing and education, while taking due account of the General Comment no. 8 of the Committee on the Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment (2006) as well as the recommendation in the UNSG’s Study on violence against children that all corporal punishment of children be prohibited by 2009.”

Committee on the Rights of the Child

(2 November 1999, CRC/C/15/Add.109, Concluding observations on initial report, para. 25)

“The Committee is concerned that child abuse and neglect are reported to be widespread in the State party. In this regard, concern is expressed at the insufficient awareness of the harmful consequences of neglect and abuse, including sexual abuse, both within and outside the family; at the insufficient financial and trained human resources allocated to prevent abuse and neglect, and at the insufficient rehabilitation measures and facilities available for victims. In the light of, inter alia, articles 19 and 39 of the Convention, the Committee recommends that the State party continue taking all appropriate measures to prevent and combat child abuse and neglect of children within the family, at school and in society at large, including setting up multidisciplinary treatment and rehabilitation programmes. It suggests that law enforcement should be strengthened with respect to such crimes and that procedures and mechanisms to deal with complaints of child abuse should be reinforced in order to provide children with prompt access to justice, in order to avoid impunity of the offenders. Furthermore, educational programmes should be established to combat traditional attitudes in society regarding this issue. The Committee encourages the State party to consider seeking international cooperation to this effect from, inter alia, UNICEF and international non-governmental organizations.”

Universal Periodic Review

Venezuela was examined in the first cycle of the Universal Periodic Review in 2011. No recommendations were made concerning corporal punishment of children. (Prohibition was achieved in all settings in 2007.) 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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