

**BRIEFING FROM THE GLOBAL INITIATIVE
TO END ALL CORPORAL PUNISHMENT OF CHILDREN**

**BRIEFING ON PARAGUAY FOR THE COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
PRESESSIONAL WORKING GROUP – January/February 2011**

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The human rights obligation to prohibit corporal punishment of girls and boys

The legality and practice of corporal punishment of girls breaches their fundamental rights to respect for their human dignity and physical integrity, to equality under the law and to protection from all forms of violence – rights guaranteed in the Convention on the Elimination of All Forms of Discrimination Against Women and other international human rights instruments. There are strong links between corporal punishment of children – girls and boys – and all other forms of violence, including gender-based violence: as the Committee on the Rights of the Child emphasised in its General Comment No. 8 (2006),¹ addressing corporal punishment is “a key strategy for reducing and preventing all form of violence in societies”. This briefing describes the legality of corporal punishment of children in Paraguay and urges the Committee on the Elimination of Discrimination Against Women to include the issue in its examination of the state party’s implementation of the Convention.

Corporal punishment of children in Paraguay

In Paraguay, corporal punishment of children is unlawful in the penal system but it is not prohibited in other settings – the home, schools and alternative care settings. The state party report to the Committee on the Elimination of Discrimination Against Women (CEDAW/C/PRY/6) describes efforts to address the problem of violence against women but appears to make no reference to the violence that may lawfully be inflicted on girls in the name of discipline.

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.

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.

There is no explicit prohibition of corporal punishment in alternative care settings. The Minors Code explicitly prohibited corporal punishment in institutions for children who have been abandoned or are in danger, but this Code was revoked by the Children and Adolescents Code and the prohibition was not reiterated.

Recommendations by human rights treaty monitoring bodies

The Committee on the Rights of the Child has twice recommended to Paraguay that corporal punishment of children be explicitly prohibited in all settings – in its concluding observations on the third report in 2010 (CRC/C/PRY/CO/3 Advance Unedited Version, paras. 37, 38 and 39) and on the second report in 2001 (CRC/C/15/Add.166, paras. 31 and 32).

¹ General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment” is available at www2.ohchr.org/english/bodies/crc/comments.htm.

We hope the Committee on the Elimination of Discrimination Against Women will raise the issue of corporal punishment of girls in its List of Issues for Paraguay, in particular asking what legislative and other measures have been taken by the state party to prohibit and eliminate corporal punishment in all settings and thus ensure girls enjoy their rights to respect for their human dignity and physical integrity and to equal protection under the law.

In light of General Recommendation No. 19 on Violence against women adopted by the Committee on the Elimination of Discrimination Against Women in 1992, of the links between corporal punishment of children and all other forms of violence, including gender-based violence, and of the Committee on the Rights of the Child's General Comment No. 8 (2006), we hope the Committee will subsequently recommend to the state party that explicit prohibition of all corporal punishment of children be enacted in relation to all settings as a matter of urgency, including the home and the justice system.

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