PROHIBITION OF ALL FORMS OF PHYSICAL AND HUMILIATING PUNISHMENT
The Latin American and Caribbean Chapter of the Global Movement for Children (MMI-LAC), on the occasion of the seventh anniversary of the ratification of the Convention on the Rights of the Child\textsuperscript{1}, and the tenth anniversary of the publication of the World Report on Violence Against Children\textsuperscript{2}, and in the context of the signing of The 2030 Agenda for Sustainable Development\textsuperscript{3} which affirms the commitment to end all forms of violence against children, wishes to renew the call for action to continue advancing towards express prohibition of physical and humiliating punishment in the legislation of all countries in Latin America and the Caribbean with the aim of protecting the personal integrity of all boys, girls and adolescents in both public and private spheres.

Article 19 of the Convention on the Rights of the Child declares that the States Parties must “protect the child from all forms of physical or mental violence, injury or abuse”; Article 28 provides that “States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child’s human dignity and in conformity with the present Convention”; Article 37 states that “No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment”. The UN Committee on the Rights of the Child has always considered that these provisions call for legal reforms to prohibit all forms of corporal punishment, not only in schools but in all areas affecting boys, girls and adolescents.

Since its establishment, the MMI-LAC has promoted monitoring of implementation of the recommendations of the United Nations Study on Violence against Children. It considers physical and humiliating punishment as a form of everyday violence that has become ‘normalized’, affecting millions of boys, girls and adolescents all over the world, and undoubtedly in Latin America and the Caribbean as well. Physical and humiliating punishment is a form of violence against children, thereby constituting a violation of their right to physical and psychological integrity and their dignity as human beings.

Physical and humiliating punishment knows no borders in Latin America and the Caribbean, nor does it distinguish on the basis of race, social status, religion or culture. Accordingly, awareness must be raised regarding this matter in order to take the necessary steps to prevent its occurrence.

Latin America and the Caribbean is currently the world region with the greatest inequality. It is home to 195 million boys and girls representing 31 per cent of the total population in the region; of these, 69 million live in situations of poverty and two out of every three children under the age of 15 suffer physical or psychological violence in their homes.

\textsuperscript{1} Convention on the Right of the Child. Available at: http://legal.un.org/avl/ha/crc/crc.html
\textsuperscript{2} Paulo Sérgio Pinheiro. World Report on Violence against Children. Available at: https://www.unicef.org/violencestudy/reports/SG_violencestudy_en.pdf
Analyses have found high rates of “violent discipline” (psychological aggression and/or physical punishment) of 2-14 year olds in Jamaica (85%), Barbados (75%), Argentina (72%), the Dominican Republic (67%) and Paraguay (61%). In more than 50 per cent of reported data, one out of every three children had suffered physical and/or psychological aggression during the last month⁴.

Fortunately, the countries of the region have already unanimously affirmed on numerous occasions their commitment to defending the rights of children and adolescents, including ratification of international human rights treaties. Currently, 10 states have prohibited all corporal punishment of children, including in the family home; 13 states have prohibited corporal punishment in alternative care centres, 12 in day care centres, 20 in schools, 24 in penal institutions and 25 states have classified it as a criminal offence. In addition, eight countries have undertaken to integrate the recommendations of the Universal Periodic Review relating to compliance with their obligations in the field of human rights and/or declare their commitment in other contexts, in this case the total prohibition of all forms of physical punishment of children⁵.

These actions reflect major progress in terms of the commitments assumed by states. However, a paradigm shift is necessary throughout the region in order to urgently translate the commitments assumed by these countries into concrete actions to protect children and adolescents. While guaranteeing protection of children’s rights is a state obligation, collaboration by all the parties involved is essential; this includes families, parents, tutors, organizations in civil society, research centres, the private sector and the boys, girls and adolescents themselves. Violence poses many challenges and requires a concerted effort by all those concerned.

The persistent social and legal acceptance of certain types of violence against children is a factor that too often results in violence passing unnoticed or not being reported. This acceptance leads society as a whole to develop a collective consciousness that acknowledges a certain degree of physical or emotional violence as being an inevitable part of childhood. As a result, physical punishment and other forms of cruel or degrading punishment, situations such as bullying, sexual harassment and a variety of traditional violent practices may be perceived as normal, particularly if they do not cause lasting physical injuries.

Physical punishment is associated with a greater degree of aggressiveness and antisocial conduct in childhood and a greater probability of perpetrating, suffering and accepting violence in adult life. Corporal punishment damages family relationships and teaches children that it is acceptable to use violence to resolve conflicts. Boys, girls and adolescents themselves.

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⁴ Multiple Indicator Cluster Surveys. Available at: https://www.unicef.org/spanish/statistics/index_24302.html
adolescents are entitled to legal protection to prevent all forms of physical and humiliating punishment and its prohibition is fundamental in order to fully realize the rights of children. We are aware that prohibition is not sufficient in itself to change the social norms and behaviour that perpetuate violence, but it is a necessary condition for this paradigm shift that we owe to our children.

ACCORDINGLY, THE MMI-LAC:

- Recognizes today more than ever the achievements and advances made in the field of legal prohibition of all forms of physical and humiliating punishment in Latin America and the Caribbean and calls on states, civil organizations and society in general to commit themselves to ending all forms of violence against boys, girls and adolescents.

- Confirms its commitment to eradication of corporal punishment. The experiences of states which have adopted the necessary changes show that those in power need to lead public opinion and encourage society as a whole to develop new ways of educating and relating with boys, girls and adolescents. Prohibition, accompanied by appropriate measures to raise awareness of and implement the law, together with promotion of positive, non-violent forms of discipline, is the most efficient way to change attitudes and the only way to fulfil children’s right to protection from all forms of physical and humiliating punishment.

- Calls on the governments of countries where physical punishment is still not expressly prohibited to promote change through legislative measures aimed at protecting children from all forms of physical and humiliating punishment. This involves both repealing legislation expressly authorising the practice of corporal punishment on persons under the age of 18 and elimination of the “moderate correction” criteria which in many countries still form part of the corresponding regulations, along with adoption of legislation expressly prohibiting corporal punishment and generating mechanisms for its institutional implementation.

- This call for legal prohibition of all forms of physical and humiliating punishment does not seek to criminalize parents, tutors or other persons responsible for boys, girls and adolescents beyond the scope of the criminal offences already existing under the respective national legislation. Legislative prohibition provides a firm foundation for the actions to be taken, including development of national prevention and response programmes and promotion and development of fair social norms that ensure fulfilment of children’s right to live in a world free of violence.

- Calls on states to develop solid methods and information systems through national surveys and censuses, along with administrative records and effective indicators that help to monitor the advances made by programmes for the prevention of violent discipline against children.
Invites states and civil society to exploit the impetus provided by the Agenda 2030 under goal 16.2 to “end abuse, exploitation, trafficking and all forms of violence against and torture of children” to place the issue of violence against children at the forefront of national and regional policies and programmes, along with any initiative linked with prohibiting all forms of physical punishment.

Calls on states in the region to forge alliances to define a pathway for compliance with the commitments assumed under the Sustainable Development Agenda, in particular Goal 16.2.

Invites states to share good practices for the drafting of appropriate legal reforms prohibiting all forms of violence against children, and for the development of programmes and projects aimed at fostering non-violent discipline and positive parenting styles.

Reiterates its support to all states for the development of comprehensive national systems that effectively allow focusing of efforts towards prevention of violence, with an emphasis on the legal reforms necessary to prohibit all forms of violence against children.

We reaffirm our unswerving commitment:

“To ensure that all boys, girls and adolescents in Latin America and the Caribbean live in families, societies and states that guarantee the enjoyment and exercise of their human rights.”

All the member organizations of the MMI-LAC hereby ratify this position paper