



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

HONDURAS

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 9th session, 2010

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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) 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 Honduras despite the recommendations of the Committee on the Rights of the Child. We hope the Review will highlight the importance of prohibition of corporal punishment of children, including within the family home, together with the repeal of all legal defences for its use, and strongly recommend that the government enact and implement legislation to ensure complete prohibition.

1 Legality of corporal punishment in Honduras

1.1 Corporal punishment is lawful in the **home**. The Civil Code (1906, article 231) and the Family Code (1984, article 191) both confirm the authority of parents “to reprimand and adequately and moderately correct their children”. Article 24 of the Code on Children and Adolescents (1996) protects a child from “all inhuman, violent, terrorizing, humiliating or destructive treatment, even when it is supposedly done for disciplinary or corrective measures, regardless of who commits it” (article 24) but also confirms that paternal relationships are governed by the Family Code (article 57).

1.2 Corporal punishment was explicitly prohibited in **schools** by article 134 of the Public Education Code (1923) and the General Public Education Act, but we have yet to establish that these laws are still in force. The prohibitions are not reiterated in more recent laws. Article 24 of the Code on Children and Adolescents (see above) applies, and article 35 there must be reciprocal respect and dignified treatment between educators and students. In the Statute of the Honduran Teacher (1997), educators’ obligations include respect for dignity, physical, psychological and moral integrity of the students (article 9).

1.3 In the **penal system**, corporal punishment is unlawful as a sentence for crime but is not explicitly prohibited as a disciplinary measure in penal institutions. Article 24 of the Code on Children and Adolescents (see above) applies, and article 199 states that children in detention centres have the right to “receive an appropriate treatment on the part of authorities responsible for their custody, who will seek to avoid the use of force or any type of weapon in carrying out their responsibilities”.

1.4 Corporal punishment is lawful in **alternative care settings**.

2 Recommendations by human rights treaty monitoring bodies

2.1 In 2007, following examination of the state party’s third report, the **Committee on the Rights of the Child** recommended that corporal punishment be explicitly prohibited by law in all settings, including the home (CRC/C/HND/CO/3, para. 55).