



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

HONDURAS – COUNTRY REPORT

Child population: 3,338,000 (UNICEF, 2011)

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 unlawful in the home. Prior to law reform, article 231 of the Civil Code 1906 and article 191 of the Family Code 1984 both confirmed the authority of parents “to reprimand and adequately and moderately correct their children”. Article 24 of the Code on Children and Adolescents 1996 protected 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 confirmed that paternal relationships are governed by the Family Code (article 57). Prohibition was achieved in 2013 with the enactment of Decree No. 35-2013 (in force 6 September 2013): article 5 replaces article 191 of the Family Code with explicit prohibition of corporal punishment and article 14 repeals article 231 of the Civil Code; article 1 amends article 164 of the Code on Children and Adolescents to include in its definition of abuse that which is inflicted in the guise of discipline or correction.

As amended in 2013, article 191 of the Family Code states (unofficial translation): “Parents, in the exercise of parental authority, have the right to exercise orientation, care and correction of their children, and to import to them, in keeping with the evolution of their physical and mental faculties, the guidance and orientation which are appropriate for their comprehensive development. It is prohibited to parents and every person charged with the care, upbringing, education, treatment and monitoring [of children and adolescents], whether on a temporary or permanent basis, to use physical punishment or any type of humiliating, degrading, cruel or inhuman treatment as a form of correction or discipline of children or adolescents. The State, through its competent institutions, will guarantee: a) the execution of awareness and education programs directed to parents and every person charged with the care, treatment, education or monitoring of children and adolescents, at both national and local levels; and, b) the promotion of positive, participative and non-violent forms of discipline as alternatives to physical punishment and other forms of humiliating treatment.”

Alternative care settings

Corporal punishment is unlawful in alternative care settings under article 191 of the Family Code 1984 as amended in 2013 (see under “Home”).

Day care

Corporal punishment is unlawful in early childhood care and in day care for older children under article 191 of the Family Code 1984 as amended in 2013 (see under “Home”).

Schools

Corporal punishment is prohibited in schools. It was explicitly prohibited in article 134 of the Public Education Code 1923 and the General Public Education Act, though these are possibly no longer in force. Articles 24 and 164 of the Code on Children and Adolescents 1996 apply (see under “Home”), and article 35 stipulates that 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). Article 191 of the Family Code 1984, as amended in 2013, explicitly prohibits corporal punishment by persons charged with educating children and adolescents (see under “Home”).

Penal institutions

Corporal punishment is unlawful in penal institutions. As amended in 2013, article 244 of the Code on Children and Adolescents 1996 explicitly states that in the execution of sanctions, children and adolescents have a right not to be subjected to corporal punishment.

Sentence for crime

Corporal punishment is unlawful as a sentence for crime. There is no provision for judicial corporal punishment in criminal law and it is explicitly prohibited in article 244 of the Code on Children and Adolescents 1996 as amended in 2013.

Prevalence research

According to statistics from UNICEF relating to the period 2001-2007, of girls and women aged 15-49, 16% think that a husband is justified in hitting or beating his wife under certain circumstances. (UNICEF (2009), *Progress for Children: A report card on child protection*, NY: UNICEF)

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(3 May 2007, CRC/C/HND/CO/3, Concluding observations on third report, paras. 54 and 55)

“The Committee is concerned that article 191 of the Family Code seems to authorize corporal punishment in the home and that there is no explicit prohibition of corporal punishment in alternative care settings.

“The Committee recommends that the State party, 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 (2006), introduce – and enforce where applicable - legislation explicitly prohibiting all forms of corporal punishment of children in all settings, including the home. The State party should also conduct awareness-raising and public-education campaigns against corporal punishment and promote non-violent, participatory methods of child-rearing and education.”

Subcommittee for the Prevention of Torture

(10 February 2010, CAT/OP/HND/1, Report on first periodic visit, paras. 30, 236 and 241)

“Several detainees in police custody interviewed by the Subcommittee described how they had been beaten during their arrest. One 17-year-old at Metropolitan Division No. 3 in Comayagüela, Tegucigalpa, showed the Subcommittee marks of cudgel blows on his back....

“The Subcommittee observed that a legal vacuum exists with regard to punishments applicable to prisoners and the behaviours that constitute disciplinary offences. A number of inmates stated that they had been beaten as punishment by other inmates or by prison staff, on orders from the coordinators, and that sometimes the coordinator himself administered the ‘punishment’. Inmates in the Marco Aurelio Soto Prison in Tegucigalpa are sometimes punished with ‘three months in the corridor’, meaning that they have to sleep in the corridors for that period of time. They are sometimes also tied to the mesh barriers or given several days or weeks in solitary confinement. Another form of punishment is the suspension of conjugal and family visits.

“The Subcommittee recommends that all prisons establish disciplinary regulations, in accordance with the Standard Minimum Rules for the Treatment of Prisoners, stipulating: (a) conduct that constitutes a disciplinary offence; (b) the type and duration of the penalties that may be imposed; and (c) the authority competent to impose such punishments. Any disciplinary measure should be applied in accordance with those regulations, and all prisoners should have a copy. The Subcommittee recommends that all prisoners be granted the right to be heard before disciplinary action is taken and to bring such action to higher authorities for review. The Committee also recommends that collective punishments be abolished, including those imposed on inmates as a result of the escape that took place on 17 July 2009.”

Universal Periodic Review

Honduras was examined in the first cycle of the Universal Periodic Review in 2010 (session 9). The following recommendation was made (4 January 2011, A/HRC/16/10, Report of the working group, para. 82(4)):

“Make efforts to incorporate into national legislation the prohibition of all forms of the corporal punishment of children (Costa Rica)”

The Government accepted the recommendation, stating that it considers it already implemented or in the process of implementation (4 January 2011, A/HRC/16/10, Report of the working group, para. 82(4)).

Examination in the second cycle is scheduled for 2015.

Report prepared by the Global Initiative to End All Corporal Punishment of Children
www.endcorporalpunishment.org; info@endcorporalpunishment.org
October 2013