Global Initiative to End All Corporal Punishment of Children

in collaboration with

Global Movement for Children in Latin America and the Caribbean

Prohibiting corporal punishment of children in the Caribbean

PROGRESS REPORT 2012

Following up the UN Secretary General's Study on Violence against Children

"The dignity of each and every individual is the fundamental guiding principle of international human rights law."

Committee on the Rights of the Child, General Comment No. 8, 2006

Contents

Published 2012 by:

Global Initiative to End All Corporal Punishment of Children
www.endcorporalpunishment.org

Acknowledgements

Photographs: pp. 21 and 23, schoolchildren in Kingston, Jamaica, copyright UNICEF/NYHQ2005-0915/ Shehzad Noorani, Jamaica (2005) and UNICEF/NYHQ2005-0916/Shehzad Noorani, Jamaica (2005); pp. 10, 30 and 63, young people in the Road to Geneva child rights research and advocacy project, St Lucia, from RISE St Lucia. Other photographs depict models and are used for illustrative purposes only.

Designed by Simon Scott
Printed in the UK by The Russell Press Limited, Nottingham

The Global Initiative to End All Corporal Punishment of Children is administered by the Association for the Protection of All Children, APPROACH Ltd, a registered charity No. 328132. Registered office 94 White Lion Street, LONDON N1 9PF, UK.

This publication is financed by the Norwegian Ministry of Foreign Affairs. The Ministry has not taken part in its production and does not assume responsibility for the content.

Support for prohibition and elimination of corporal punishment in the Caribbean

The following individuals – prominent in human rights, law, religious communities, the prevention of violence and related fields in the region – are among those who support the prohibition and elimination of all corporal punishment of children:

Dr Rose-Marie Belle Antoine, Law Faculty, University of the West Indies; Commissioner, Inter-American Commission on Human Rights

Dr R. (Nilda) J. A. Arduin, first Ombudsman of Sint Maarten; former Attorney-at-Law

Justice Désirée Bernard, former Member and Chairperson, UN Committee on the Elimination of Discrimination Against Women and advocate for women as victims of violence

Arlene Brock, Ombudsman for Bermuda; Regional Vice-President International Ombudsman Institute; former Chair, Police Complaints Authority; Attorney

The Rt Revd L. Errol Brooks, Bishop of the North Eastern Caribbean and Aruba

Ms Hazel Brown, Coordinator, Network of NGOs of Trinidad and Tobago for the Advancement of Women

Mary Clarke, Jamaica's first Children's Advocate, retired

Dundeen Ferguson, Attorney-at-Law, Jamaica

Dr Lilian Ferrier, Chair of the Presidential task force on children and youth policy, Suriname; Director of the Foundation for Human Development (BKO)

The Revd Dr Paul Gardner, President of the Moravian Church in Jamaica and the Cayman Islands

The Rt Revd Randolph George, former Anglican Bishop of Guyana

Sheila George, Anglican Diocese of Guyana

Dr J. Carolyn Gomes, Executive Director, Jamaicans for Justice

The Rt Revd Dr Howard Gregory, Anglican Bishop elect of Jamaica and the Cayman Islands

Sheran Harper, Worldwide Parenting Trainer; Vice President of The Mothers' Union in the Province of the West Indies

Diahann Gordon Harrison, Attorney-at-Law and Children's Advocate for Jamaica

Chantalle Haynes, Director, Forward Guyana; Director, Transparency Institute of Guyana; former MP promoting women's political participation and children's rights

Her Excellency Rosalyn E. Hazelle, former Member and Rapporteur UN Committee on the Elimination of Discrimination Against Women; advocate for human rights of women and children; lecturer on human rights and the prevention of violence against women and children

Dr Olda Hoare, parent advocate for positive discipline that respects children's rights; founding member and former Dean of Sacred Heart Junior College, Belize; Parent Representative and member, Belize Ministry of Education Task Force on Alternative Discipline in Schools

Judge Margarette May Macaulay, Judge of the Inter-American Court of Human Rights; past President of the Coalition for the Rights of the Child; former President of the Association of Women's Organizations in Jamaica; former Chairperson of CAFRA

Alba M. T. Martijn, Ombudsman of Curaçao

The Hon Madam Justice Sandra Mason, former Member and Chairperson, UN Committee on the Rights of the Child; Justice of Appeal of the Supreme Court of Barbados

Mary Alison McLean, former Member, UN Committee on the Rights of the Child; former Chief Executive Officer, Child Development Agency, Jamaica

Antoinette Moore, human rights lawyer; Adjunct Lecturer in Human Rights at the University of Belize; Country Director of American Bar Association Rule of Law Initiative's Belize program; Board Member of the Human Rights Commission of Belize (NGO)

The Rt Revd Cornell Jerome Moss STM, Anglican Bishop of Guyana

Cynthia Pitts, former Ombudsman of Belize; Attorney-at-Law; Board Member of the Human Rights Commission of Belize (NGO)

Bertrand G. Ramcharan, former UN Deputy High Commissioner for Human Rights; Chancellor of the University of Guyana

Sir Clare Roberts, Antigua and Barbuda, former President, Inter-American Commission of Human Rights, OAS

Tracy Robinson, Commissioner, Inter-American Commission on Human Rights; Senior Lecturer, Faculty of Law, University of the West Indies, Mona, Jamaica

Maureen Samms-Vaughan, Professor of Child Health, Child Development and Behaviour, University of the West Indies; Chairman, Early Childhood Commission, Government of Jamaica

Simeon Sampson, Senior Counsel – Belize; Co-Chair of the Human Rights Commission of Belize (NGO); Member of the Working Committee of the Greater Caribbean for Life

Glenda Simms, former Member, UN Committee on the Elimination of Discrimination Against Women; former Executive Director, Bureau of Women's Affairs, Jamaica

The Revd Fr Marlon Simpson, Anglican Diocese of Jamaica and the Cayman Islands

Lynette Stephenson, S. C., Ombudsman of Trinidad and Tobago

The Rt Revd Dr Robert Thompson, Anglican Suffragan Bishop of Kingston

Messages

Jean Zermatten

Chair, UN Committee on the Rights of the Child

I am always surprised to hear parents, politicians, the media, education specialists and government officials assert that violence against children constitutes a scourge that must be fought with determination – while at the same time the same people justify corporal punishment, using versions of these arguments that have long been well-known:

"A slap every once in a while never hurt anyone."

"My parents used it and see how well I turned out."

"The right to correction is a natural right."

"Physical punishment is 'tough love'."

"How can I impose discipline if I can't even spank my child?"

... As if to indicate that this practice, being socially accepted must therefore be good!

But the consensus among specialised circles is clear: physical punishment is "ineffective from a pedagogical stance, questionable from a moral stance, and bearing serious consequences from a medical and psychological stance" (Balestra, C. (2008), *L'interdiction légale des châtiments corporels au sein de la famille / The legal interdiction of corporal punishment in the family*, IDE, Bramois, 44-55).

A change of mindset seems necessary to me so that all citizens, acting in all contexts, become aware of the negative effect of corporal punishment and other cruel and degrading forms of punishment on the development of the child. To achieve this, a clear decision on behalf of the legislative power, following the example of Sweden, the first country to introduce an explicit legal ban in 1979, is the first step towards the realisation of the values which found this new norm.

We must be coherent: we cannot hit children with one hand whilst preaching the eradication of violence against children. It is a question of common sense. In addition, I refer myself to many international recommendations in the field, in particular to those of the Committee on the Rights of the Child in its General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment" (CRC/C/GC/8, 2006) and to those in the report of the independent expert for the United Nations Secretary General's Study on Violence against Children (A/61/299, 2006).

I invite all adults to become aware of the detrimental effects of this violence towards children and to adopt positive educational attitudes. I urge governments to explicitly prohibit all corporal punishment, in all contexts, including in the family.

The dignity of the child and the integrity of the educational process are at stake.

Rosa María Ortiz

Rapporteur on the Rights of the Child, Inter-American Commission on Human Rights

I have often heard people suggesting that the efforts to end corporal punishment and other forms of humiliating punishment are a minor matter. I must emphasise that this is not so; it is of fundamental importance not only for children but for societies' development that the authorities act to prohibit and eliminate it in an appropriate and decisive manner. All violent punishment must be prohibited because it violates children's rights to personal integrity and human dignity, to be protected from all forms of violence.

These rights are recognised in the UN Convention on Rights of the Child and other international human rights treaties. The UN Committee on the Rights of the Child and the Inter-American Commission and Court on Human Rights have clearly interpreted states' obligations. In ratifying human rights instruments, states commit to take all necessary measures to ensure the human rights of all people, without any kind of discrimination.

Nowadays, there is a better understanding of the harmful physical and psychological effects on children of violent punishment. Our societies and legal systems do not tolerate violence as a way of personal interaction or conflict resolution among adults. Children are not second-class citizens; on the contrary, they deserve special protection from their family, society and the state. States must send a clear message by urgently prohibiting all forms of violence against children, including violence disguised as discipline. States must also support parents and others in direct contact with children in raising them without violence, using positive discipline that respects children's rights.

Marta Santos Pais

Special Representative of the UN Secretary General on Violence against Children

Law reform for the protection of children from all forms of violence is a strategic priority for my mandate as Special Representative of the UN Secretary General on Violence against Children, and was also a crucial recommendation of the UN Study on Violence against Children. Indeed, the Study urged all states to "prohibit all forms of violence against children, in all settings, including all corporal punishment, harmful traditional practices, sexual violence and torture and other cruel, inhuman or degrading treatment or punishment, as required by international treaties".

Strong legislation prohibiting all forms of violence against children lays the foundation for a culture of respect for children's rights and can trigger lasting change in the social acceptance of violence against children.

Over the past few years we have witnessed important developments in this area, with the adoption of regional political declarations and action plans on violence prevention and response; with the passing of national legislation to combat specific forms of violence; and in a growing number of countries, with the enactment of an explicit and comprehensive legal ban on violence, in all forms and all settings, including in care and justice institutions, in schools and within the home.

The Global Initiative report captures this decisive process of change and is a significant contribution to national implementation efforts aiming at children's protection from violence.

Paulo Sérgio Pinheiro

The Independent Expert who led the UN Secretary General's Study on Violence against Children and Commissioner and Rapporteur on the Rights of the Child, Inter-American Commission on Human Rights, OAS

During the course of the UN Secretary General's Study on Violence against Children, and in follow-up meetings since in states in every region, I have very often been confronted with an insistence by politicians and others that corporal punishment is uniquely part of "their" culture: they suggest this explains the resistance to recognising it as a human rights violation and quickly prohibiting and abandoning it.

I have not as yet come across a detailed history of all the origins of violent punishment of children. But as this report asserts, it is clear that during the colonial period corporal punishment was institutionalised in many countries including in the Caribbean region, in the context of slavery and military occupation, in developing school, care and penal systems for children and it was also promoted in some missionary teaching.

The ancient English common law concept of "reasonable" punishment of children remains in the legislation of many independent states and some territories in the region.

As I reiterated frequently in the course of the UNSG's Study, there is nothing "reasonable" about deliberate violence against children, whether or not it is disguised as discipline. No violence against children is justifiable; all of it is preventable.

It is seven years since the Caribbean Regional Consultation for the UNSG's Study was held in Trinidad in 2005. Young Caribbeans eloquently advocated then for the speedy prohibition and elimination of this most common form of violence. We cannot keep another generation waiting.

The aims of the Global Initiative are supported by many international and national organisations, including these in the Caribbean region:

A Bleeding Heart, Trinidad and Tobago

Association of Women's Organizations in Jamaica

Behavioural Insights Inc, St Lucia

BFLA (Belize Family Life Association), Belize

Buzzy Bees Daycare Centre, St Eustatius

Caribbean Center for Human Rights, Trinidad and Tobago

Child Helpline, Aruba

Child Helpline of Suriname

ChildFund Caribbean, Dominica and St Vincent and the Grenadines

Childline, Trinidad and Tobago

Children's Coalition of Jamaica (including Child Helpline), Jamaica

Cornerstone Foundation, Belize

Credo Foundation for Justice, Trinidad and Tobago

Defensores PROCDN, Puerto Rico

Family & Law Institute, Suriname

Forward Guyana, Guyana

Foundation for Human Development (BKO), Suriname

Grenada Human Rights Association Inc, Grenada

Guyana Human Rights Association

Guyana Red Cross

Help and Shelter, Guyana

Help for Progress, Belize

HRCB (Human Rights Commission of Belize - NGO), Belize

Jamaicans for Justice, Jamaica

Mariama Children's Museum and Teen Turf, Trinidad and Tobago

National Committee for Families and Children (NCFC), Belize

Network of Rural Women Producers (NRWPTT), Trinidad and Tobago

NOPCAN (National Organisation for the Prevention of Child Abuse and Neglect), Belize

Organisatie voor Gerechtigheid en Vrede (Organization for Justice and Peace), Suriname

PAREDOS (Parent Education for Development in Barbados), Barbados

Parenting Partners Caribbean, Jamaica

Presidential Task Force on Integrated Child and Adolescent Policy, Suriname

Random Acts of Good Deeds, Trinidad and Tobago

Red Thread, Guyana

REDLAMYC (Red latinoamericana y caribeña por la defensa de los derechos de los niños, niñas y adolescentes), based in Uruguay

Rezo Aba Sistem Reskivek Haiti (ASR Haiti), Haiti

RISE (St Lucia) Inc, St Lucia

Saba Health Care Foundation, Saba

SIFMA (Training and resource centre for early childhood care and education), Curaçao

SMC (Community and Crime) Research Foundation, Aruba

Stichting Fundacion Respeta Mi (Foundation against child abuse), Aruba

Stichting Kinderbescherming (Child Protection Foundation; including Child Helpline), Curaçao

Sunshine Early Stimulation Trust, Barbados

The ALDET Centre-Saint Lucia, St Lucia

The Child Development and Guidance Centre, St Lucia

The Mothers' Union in the Diocese of Guyana

The Mothers' Union in the Province of the West Indies

The Social Centre, Dominica

Tipa Tipa, Haiti

Trinidad and Tobago Coalition against Domestic Violence

Trinidad and Tobago Coalition for the Rights of the Child

WIN Belize (Women's Issues Network), Belize

Women's Rights Center, Suriname

YES (Youth Enhancement Services), Belize

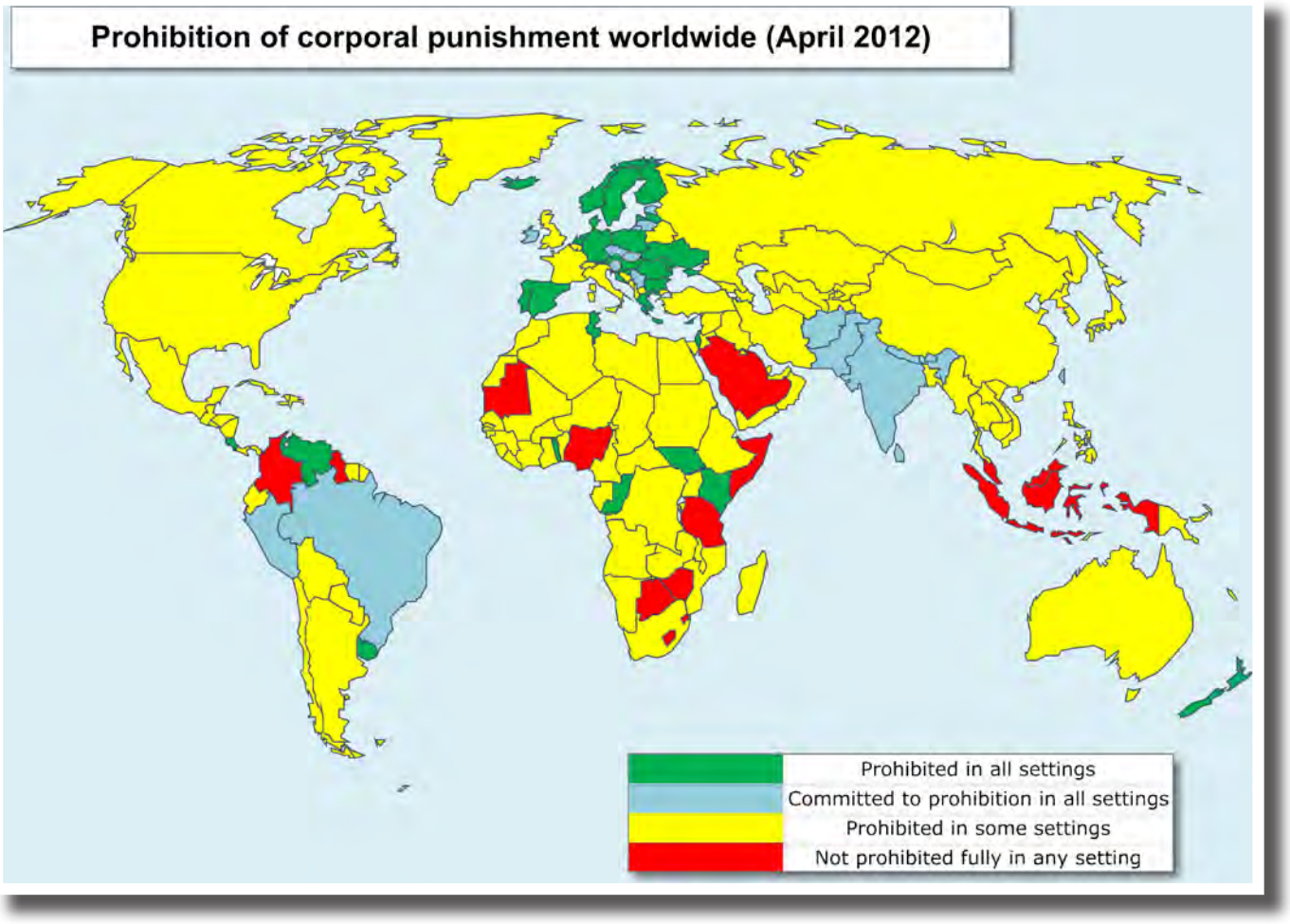
YMCA of Trinidad and Tobago

For a full list of international and national supporting organisations, see www.endcorporalpunishment.org. If your organisation would like to be listed as a supporter of the aims of the Global Initiative, please sign up on the website or contact info@endcorporalpunishment.org.

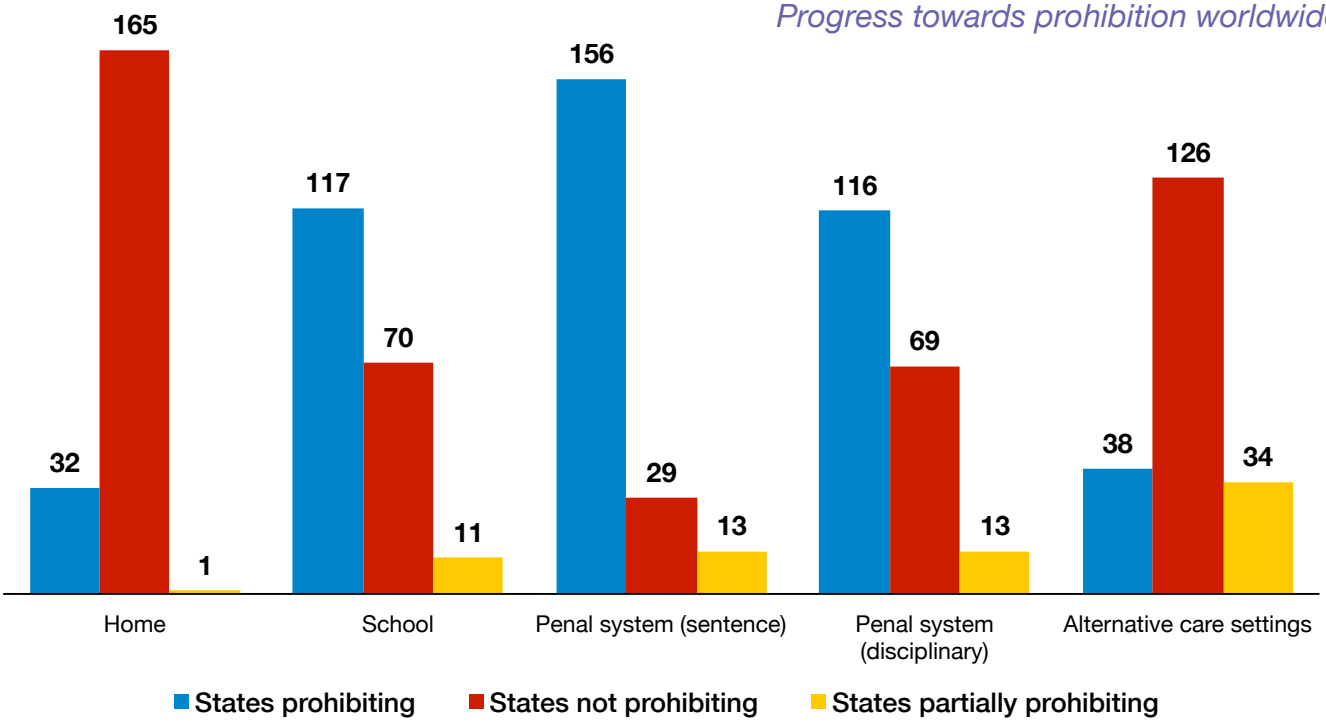
Prohibiting all corporal punishment – progress to date

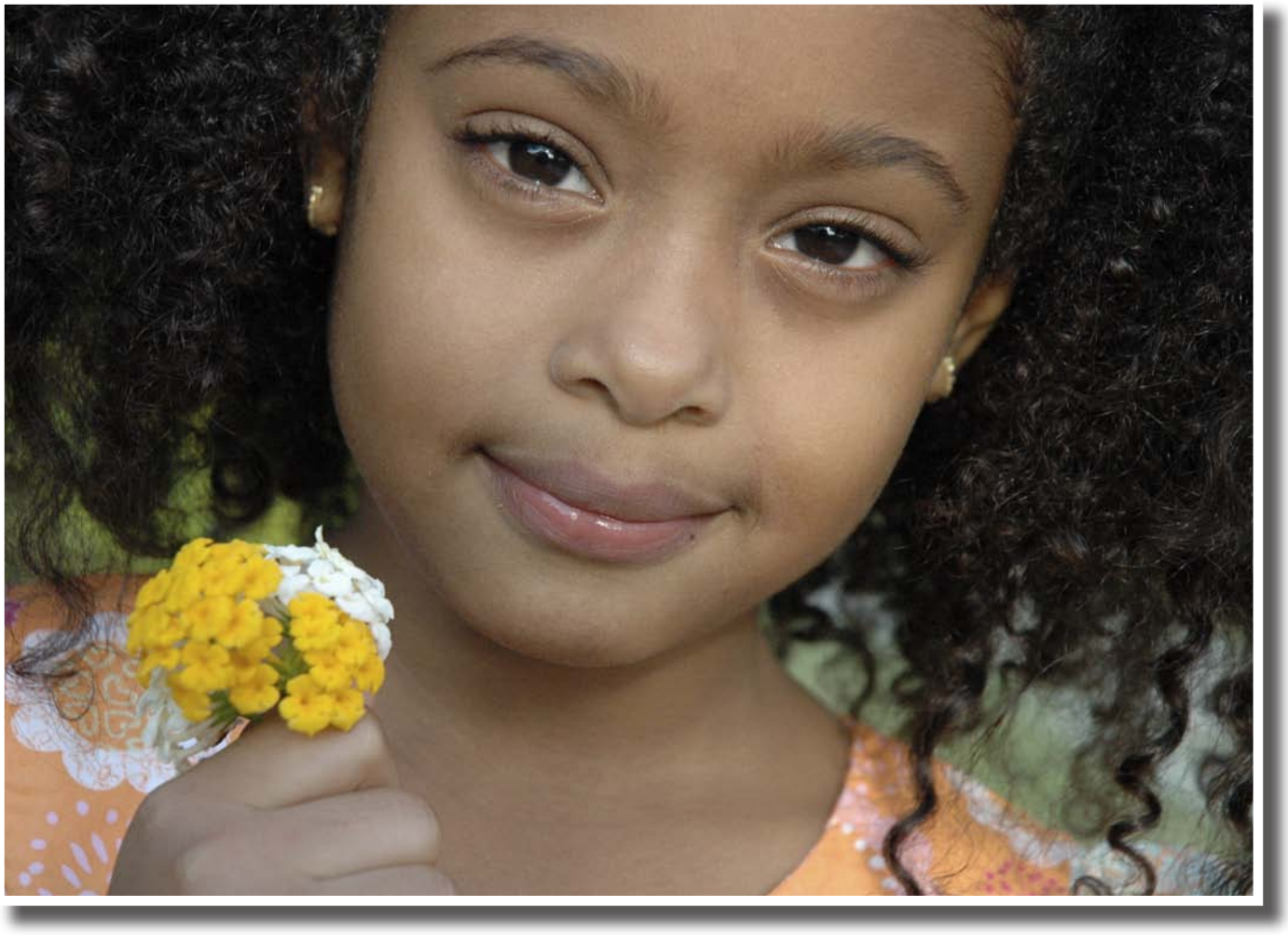
The global context

Worldwide, the number of states which have achieved law reform to prohibit all corporal punishment of children, including in the home, continues to grow – and has more than doubled since 2005 when this form of violence was highlighted as a particular concern in the UN Study on Violence against Children and prohibition recommended as a matter of priority. As at April 2012, 32 states have laws which protect children from corporal punishment wherever they are, in their homes, schools and penal and care settings. In at least a further 22, governments have made a commitment to enacting full prohibition and/or draft legislation which would achieve full prohibition is actively under consideration. The numbers of states achieving prohibition outside the home also grows, with a substantial majority prohibiting corporal punishment in all their schools (117) and in all institutions accommodating children in conflict with the law (116); 38 states prohibit it in all forms of alternative care. Laws in the majority of states (156) do not allow young offenders to be sentenced to corporal punishment.



Progress towards prohibition worldwide





Progress in the Caribbean

While no state or territory in the Caribbean has yet achieved prohibition in the home, legislation has been enacted in relation to other settings: of the 14 independent states and 18 territories covered in this report, 23 have prohibited corporal punishment as a sentence of the courts (5 states, all territories), 18 as a disciplinary measure in penal institutions (4 states, 14 territories), three in schools (two states, one territory), and two in all forms of care (two states, no territories). But there is still much work to be done in the region: 29 states/territories have yet to prohibit corporal punishment in all their schools, 30 in all care settings and 14 in penal institutions. Nine states have not yet abolished corporal punishment as a sentence for crime. Corporal punishment by parents is still lawful in all 32 states and territories.

A statistical assessment of progress

Of the near 8 million children in the Caribbean:

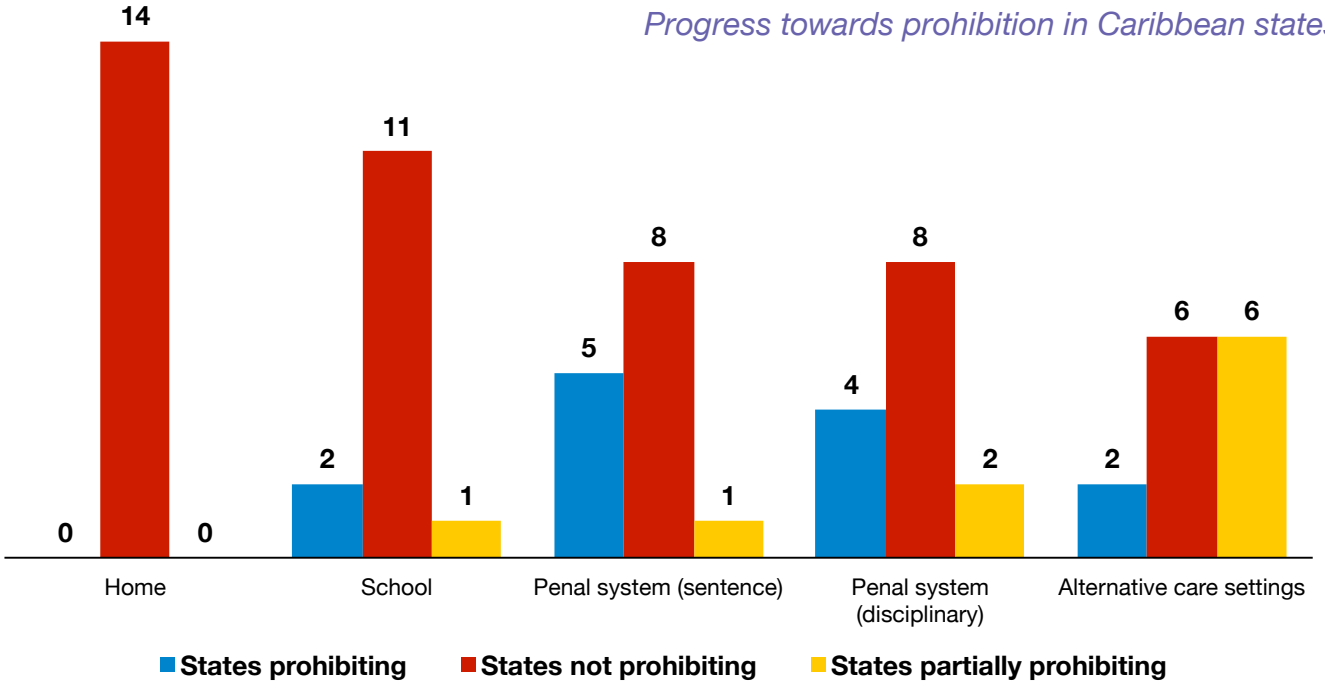
- 100% live in states and territories where they are not legally protected from corporal punishment in the home;
- 32.9% live where they are not legally protected from corporal punishment in schools;
- 14% live where they are not legally protected from corporal punishment in penal institutions;
- 31.9% live where they are not legally protected in alternative care settings, and
- 12.2% live where they are not legally protected from corporal punishment as a sentence of the courts.

It would appear from the above that there has been considerable progress in prohibiting corporal punishment in settings outside the home, with only a minority of children living in states where prohibition has not been achieved. However, it should be noted that these figures are largely due to Haiti having prohibited corporal punishment in its schools, penal system and care settings: children in Haiti account for more than half the total Caribbean child population. A truer picture of the work still to be done on the issue may be seen by considering the proportion of independent states yet to enact prohibiting laws:

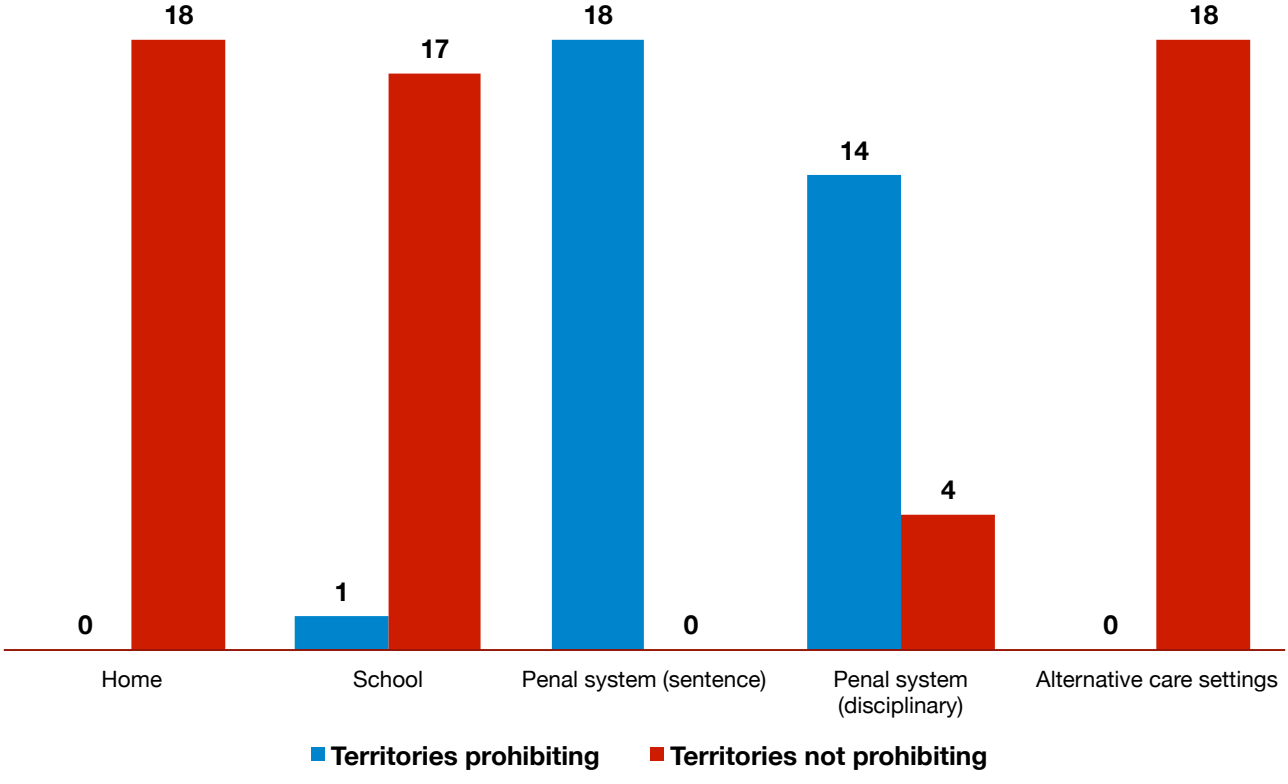
- 100% (14 states) have yet to prohibit corporal punishment of children in the home;
- 85.7% (12 states) have yet to prohibit corporal punishment in all their schools;
- 71.4% (10 states) have not yet prohibited corporal punishment as a disciplinary measure in all penal institutions;
- 85.7% (12 states) have not prohibited corporal punishment in all forms of alternative care, and
- 64.3% (9 states) provide for children convicted of an offence to be lawfully sentenced to corporal punishment.

Note: The child population analysis is based on data from UNICEF and other sources (see country reports on pages 33 to 64). Population figures for the territories in some cases do not cover the full 0-17 year age range, thus representing an underestimate of the child population and precluding detailed comparative analysis. However, the effect on the broad analysis above is negligible.

Progress towards prohibition in Caribbean states



Progress towards prohibition in territories in the Caribbean



The human rights imperative for law reform

The UN Convention on the Rights of the Child and other international treaties

"... eliminating violent and humiliating punishment of children, through law reform and other necessary measures, is an immediate and unqualified obligation of States parties."

(Committee on the Rights of the Child, General Comment No. 8, 2006)

The UN Convention on the Rights of the Child has been ratified by all states in the Caribbean and is applicable in all territories except those of the US (see table on pages 11 and 12). Under articles 19, 28(2) and 37, children – wherever they are – have a right to protection from all forms of corporal punishment, and states have an obligation to ensure that laws are reformed so that children are protected in legislation as well as through policy, education and other measures.

Since the beginning of its work, the Committee on the Rights of the Child monitoring implementation of the Convention has concluded that corporal punishment – including by parents in the family home – must be prohibited by law and has recommended this to states parties. To date (April 2012):

- a total of 319 recommendations on corporal punishment have been made to 184 states worldwide
- a total of 19 recommendations on corporal punishment have been made to the 14 independent states in the Caribbean
- recommendations have been made to France, the Kingdom of the Netherlands and the UK that corporal punishment be prohibited in all their overseas territories and dependencies.

The Committee clarified the obligation of states to prohibit corporal punishment of children in General Comment No. 8 (2006) on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia)". The Committee adopted a comprehensive and uncompromising definition of corporal punishment (see box): no degree or form of corporal punishment is justifiable. In its General Comment No. 13 (2011) on "The right of the child to freedom from all forms of violence", the Committee reiterates states' obligation to prohibit and eliminate all corporal punishment.

Defining corporal punishment

"The Committee defines 'corporal' or 'physical' punishment as any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting ('smacking', 'slapping', 'spanking') children, with the hand or with an implement – a whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion (for example, washing children's mouths out with soap or forcing them to swallow hot spices). In the view of the Committee, corporal punishment is invariably degrading. In addition, there are other non-physical forms of punishment that are also cruel and degrading and thus incompatible with the Convention. These include, for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child."

(Committee on the Rights of the Child, General Comment No. 8, para. 11)

In the same year as the General Comment was adopted, the final report and recommendations of the UN Study on Violence against Children were published. The Study highlighted the huge extent to which children are subjected to corporal punishment in their homes and other settings in all regions and recommended urgent law reform to prohibit it.

Other UN treaty monitoring bodies have long been concerned with corporal punishment, particularly in penal systems and increasingly in schools and the home. Recommendations and observations on corporal punishment have been made to states by the Committee Against Torture, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination Against Women, and the Committee on the Rights of Persons with Disabilities. The issue has also been included in the List of Issues adopted by these treaty bodies for each state, requiring states to give written or oral information on progress towards prohibiting corporal punishment.

Regional human rights instruments

"OAS member states [should] act immediately on the problem of corporal punishment by placing explicit and absolute legal bans on its use in all contexts and, in parallel, by adopting such preventive, educational, and other measures that may be necessary to ensure the eradication of this form of violence, which poses a serious challenge to the wellbeing of children in the Hemisphere."

(Inter-American Commission on Human Rights, 2009, Report on Corporal Punishment and Human Rights of Children and Adolescents)

Inter-American human rights standards

Some states in the region have ratified the American Convention on Human Rights. In 2002, the Inter-American Court of Human Rights, at the request of the Inter-American Commission on Human Rights, issued an advisory opinion on "The legal status and human rights of the child" in which it emphasised states' obligations to protect children from violence and mistreatment, including by "private" individuals, referring to the UN Convention on the Rights of the Child and the conclusions of the Committee on the Rights of the Child (Advisory Opinion OC-17/2002, 28 August 2002).

In 2008, the Commission asked the Court to issue an advisory opinion on corporal punishment of children and the American Convention on Human Rights and the American Declaration of Human Rights and Duties. In response, the Court stated that this was unnecessary because the Court's existing jurisprudence and the obligations of states under other international instruments, particularly the Convention on the Rights of the Child, are clear: children have a right to protection in the private and the public spheres and this requires legislative as well as other measures.

In 2009, the office of the then Rapporteur on the Rights of the Child in the Commission, Professor Paulo Pinheiro, published a thematic report on the issue, the *Report on Corporal Punishment and Human Rights of Children and Adolescents*. It calls on member states of the Organisation of American States to prohibit corporal punishment in all settings. The report analyses state responsibility for corporal punishment in relation to persons with parental responsibility and makes detailed recommendations on how to achieve prohibition. It concludes with a "commitment toward cooperating with States in the promotional activities they undertake at the domestic and regional levels in order to eradicate corporal punishment as a way of disciplining children and adolescents" (para. 120).

European human rights standards applicable to some territories in Caribbean

There are a number of territories in the Caribbean in which European human rights instruments apply (see table on page 12). The European Court of Human Rights has progressively ruled against corporal punishment of children under the European Convention on Human Rights, in a series of judgments first on judicial corporal punishment, then corporal punishment in schools and in the home, and all against the UK. While the Court has not yet ruled on a case involving "light" corporal punishment by parents (the UK case was of severe punishment), it has confirmed that the Convention on the Rights of the Child sets the standards to which governments should aspire (*Sahin v Germany*, 2003).

The European Committee of Social Rights monitors implementation of the European Social Charter and the Revised Social Charter. In 2001, the Committee issued a general observation stating that article 17 of the Charter requires prohibition of corporal punishment, by law, in all settings. The Committee has systematically pursued the issue and concluded that states which do not have laws which prohibit corporal punishment of children in all settings are not in conformity with the Charter.

International and regional human rights instruments applicable in the Caribbean: independent states

	Applicable human rights instruments									Jurisprudence on corporal punishment
	Convention on the Rights of the Child	Convention against Torture	International Covenant on Civil and Political Rights	International Covenant on Economic, Social and Cultural Rights	Convention on the Elimination of All Forms of Discrimination Against Women	Convention on the Rights of Persons with Disabilities	American Convention on Human Rights	European Convention on Human Rights	European Social Charter	Recommendations/observations on corporal punishment made to the state by the treaty bodies and during the Universal Periodic Review Key: CRC – Committee on the Rights of the Child CAT – Committee Against Torture CESCR – Committee on Economic, Social and Cultural Rights HRC – Human Rights Committee UPR – Universal Periodic Review
Antigua and Barbuda	•	•			•					CRC (2004); UPR (2011)
Bahamas	•		•	•	•					CRC (2005); UPR (2008)
Barbados	•		•	•	•		•			CRC (1999); HRC (2007); UPR (2008)
Belize	•	•	•		•	•				CRC (2005, 1999); UPR (2009)
Dominica	•		•	•	•		•			CRC (2004); UPR (2009)
Grenada	•		•	•	•		•			CRC (2010, 2000); HRC (2009); UPR (2010)
Guyana	•	•	•	•	•					CRC (2004); CAT (2006); HRC (2000); UPR (2010)
Haiti	•		•		•	•	•			CRC (2003)
Jamaica	•		•	•	•	•	•			CRC (2003, 1995); CESCR (2001); HRC (2011, 1997); UPR (2010)
St Kitts and Nevis	•				•					CRC (1999); UPR (2011)
St Lucia	•				•					CRC (2005); UPR (2011)
St Vincent and the Grenadines	•	•	•	•	•	•				CRC (2002); HRC (2008); UPR (2011)
Suriname	•		•	•	•		•			CRC (2007, 2000); UPR (2011)
Trinidad and Tobago	•		•	•	•					CRC (2006, 1997); CESCR (2002); HRC (2000); UPR (2011)

International and regional human rights instruments applicable in the Caribbean: overseas departments, territories and dependencies

		Applicable human rights instruments								Jurisprudence on corporal punishment
		Convention on the Rights of the Child	Convention against Torture	International Covenant on Civil and Political Rights	International Covenant on Economic, Social and Cultural Rights	Convention on the Elimination of All Forms of Discrimination Against Women	Convention on the Rights of Persons with Disabilities	American Convention on Human Rights	European Convention on Human Rights	European Social Charter	Recommendations/observations on corporal punishment made to the sovereign state by the treaty bodies and during the Universal Periodic Review Key: CRC – Committee on the Rights of the Child CAT – Committee Against Torture CESCR – Committee on Economic, Social and Cultural Rights HRC – Human Rights Committee ECSR – European Committee of Social Rights UPR – Universal Periodic Review
France	Guadeloupe	•	•	•	•	•	•		•	•	CRC (2009, 2004, 1994); ECSR (2011, 2005, 2003, 2001)
	Martinique	•	•	•	•	•	•		•	•	CRC (2009, 2004, 1994); ECSR (2011, 2005, 2003, 2001)
	St Barthelemy	•	•	•	•	•	•		•	•	CRC (2009, 2004, 1994); ECSR (2011, 2005, 2003, 2001)
	St Martin	•	•	•	•	•	•		•	•	CRC (2009, 2004, 1994); ECSR (2011, 2005, 2003, 2001)
Kingdom of the Netherlands	Aruba	•	•	•	•	•			•	•	CRC (2009, 2004); CESCR (2010)
	Bonaire	•	•	•	•	•			•	•	CRC (2009, 2002)
	Curaçao	•	•	•	•	•			•	•	CRC (2009, 2002)
	Saba	•	•	•	•	•			•	•	CRC (2009, 2002)
	St Eustatius	•	•	•	•	•			•	•	CRC (2009, 2002)
	St Maarten	•	•	•	•	•			•	•	CRC (2009, 2002)
UK	Anguilla	•	•						•		CRC (2008, 2000); CAT (1998, 1996, 1993); UPR (2008)
	Bermuda	•	•	•	•				•		CRC (2008, 2000); CESCR (2009, 2002, 1997); CAT (1998, 1996, 1993); HRC (2008, 1995); UPR (2008)
	British Virgin Islands	•	•	•	•	•			•		CRC (2008, 2000); CEDAW (2008); CESCR (2009, 2002, 1997); CAT (1998, 1996, 1993); HRC (2008, 1995); UPR (2008)
	Cayman Islands	•	•	•	•				•		CRC (2008, 2000); CESCR (2009, 2002, 1997); CAT (1998, 1996, 1993); HRC (2008, 1995); UPR (2008)
	Montserrat	•	•	•	•				•		CRC (2008, 2000); CESCR (2009, 2002, 1997); CAT (1998, 1996, 1993); HRC (2008, 1995); UPR (2008)
	Turks and Caicos Islands	•	•	•	•				•		CRC (2008, 2000); CESCR (2009, 2002, 1997); CAT (1998, 1996, 1993); HRC (2008, 1995); UPR (2008)
US	Puerto Rico		•	•							
	US Virgin Islands		•	•							

The Universal Periodic Review

States' overall human rights records are examined by the UN Human Rights Council in the Universal Periodic Review (UPR). The first cycle of this four-year process ended in 2011, the second cycle begins in May 2012. The issue of corporal punishment was raised in the reviews of most states during the first cycle, and more than 50 states accepted recommendations to prohibit it. Of the 14 Caribbean states reviewed, recommendations to prohibit corporal punishment were made to 13. The recommendations were accepted by two states but rejected by eight (though two of these acknowledged that laws allowing judicial corporal punishment should be repealed); one state partially accepted the recommendation; in three states the recommendations were not formally accepted or rejected (see table on page 14).

Recommendations and responses on corporal punishment in the UPR

State review	Recommendations (summary)	Government response and other comments
Antigua and Barbuda (2011)	To prohibit corporal punishment in all settings, including in the home and as a sentence of the courts, and to promote positive, non-violent discipline through awareness raising campaigns	Recommendations rejected. Government stated that the Corporal Punishment Act should be repealed.
Bahamas (2008)	To repeal legal provisions on corporal punishment, to continue efforts to prohibit it and to end corporal punishment in homes and schools	Recommendations rejected. Government stated that judicial corporal punishment would be repealed but defended the legality of corporal punishment in homes and schools.
Barbados (2008)	To repeal legal provisions on corporal punishment, to abolish all corporal punishment of children and to conduct public awareness initiatives to change public attitudes	Recommendation to change public attitudes through awareness raising accepted; recommendation to prohibit corporal punishment rejected. Government stated that Minister for Education's public advocacy of prohibition in schools was not currently the official position.
Belize (2009)	To prohibit all corporal punishment of children	Recommendations accepted. Government stated that law reform to prohibit in schools was under way and that complete prohibition is being considered. (Note: Prohibition in schools has been achieved.)
Dominica (2009)	To prohibit corporal punishment in all settings and repeal all legal provisions for it	Recommendations rejected. Government stated that corporal punishment in schools is not applied arbitrarily and there is no intention to prohibit corporal punishment.
Grenada (2010)	To prohibit corporal punishment in all settings.	Recommendations not formally accepted or rejected. Government stated that corporal punishment is regulated by the Education Act and could not be prohibited.
Guyana (2010)	To prohibit corporal punishment in all settings, including the family	Recommendations not formally accepted or rejected. Government noted that law reform was under way to prohibit corporal punishment in the penal system but corporal punishment in schools is distinct from child abuse and public opinion does not support prohibition. (Note: Corporal punishment is now prohibited as a sentence for crime and as a disciplinary measure in penal institutions for children under 17.)
Haiti (2011)	-	-
Jamaica (2010)	To prohibit corporal punishment of children in detention centres	Recommendation accepted. Government stated it is already implemented or in the process of being implemented. Government also stated that corporal punishment was forbidden in the education and care settings, and public education campaigns were under way.
St Kitts and Nevis (2011)	To prohibit corporal punishment in all settings, including juvenile justice and in the home	Recommendation not formally accepted or rejected. Government stated that discipline is important in society and corporal punishment is regulated under the Education Act to ensure it does not cross the line into abuse.
St Lucia (2011)	To review legislation relating to corporal punishment, to prohibit corporal punishment in all settings and to conduct awareness raising campaigns on the issue	Recommendations rejected. Government stated that corporal punishment is part of the culture. Government will continue public awareness raising on the issue together with efforts to phase out its use in schools.
St Vincent and the Grenadines (2011)	To prohibit corporal punishment in all settings including in the home and in the context of justice	Recommendations rejected. Government stated that laws constrained the use of corporal punishment and that the last time corporal punishment had been carried out as part of a criminal sentence could not be recalled.
Suriname (2011)	To prohibit corporal punishment in all settings, including the home	Recommendation to prohibit in schools accepted; recommendations to prohibit in other settings rejected. Government stated Ministerial instructions forbid corporal punishment in schools, regulations prohibit it in penal institutions, regulations to prohibit in care centres are being debated, and domestic violence law has begun to combat corporal punishment in the home.
Trinidad and Tobago (2011)	To review legislation on corporal punishment and to prohibit it in all settings including the home	Recommendation rejected. Government stated corporal punishment traditionally accepted in disciplining children; there is policy against corporal punishment in schools and measures to promote school discipline without corporal punishment; criminalisation of corporal punishment is the subject of national debate.

Research in the Caribbean

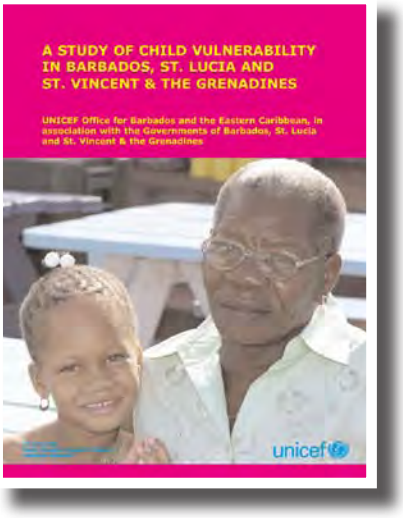
"... since the Convention was adopted, the prevalence of corporal punishment of children in their homes, schools and other institutions has become more visible, through the reporting process under the Convention and through research and advocacy by, among others, national human rights institutions and non-governmental organizations (NGOs).

"Once visible, it is clear that the practice directly conflicts with the equal and inalienable rights of children to respect for their human dignity and physical integrity...."

(Committee on the Rights of the Child, 2006, General Comment No. 8)

Nature and prevalence of corporal punishment

As in other world regions, children throughout the Caribbean are subjected to physical and other humiliating punishment in their homes, schools and other settings where they live and are cared for. A major UNICEF report published in 2010 studied the experiences of children aged 2-14 in 2005-2006 through interviews with mothers and other primary caregivers. The report made visible the high percentages of children experiencing physical punishment and/or psychological aggression in many countries, including across the Caribbean: 89% in **Jamaica**, 86% in **Suriname**, 77% in **Trinidad and Tobago**, 76% in **Guyana** and 70% in **Belize**.[1] Other studies have similar findings: in a 2010 survey of 933 adults in the **Bahamas**, 77% of respondents from households with children reported that "spanking" was sometimes used to discipline them.[2] Younger children may be particularly likely to experience corporal punishment: in 2005, a study by UNICEF in association with the Governments of **Barbados**, **St Lucia** and **St Vincent and the Grenadines**, involving a survey of more than 2,300 households, interviews with key informants and discussion groups with adults and children, found that younger children were more likely to experience corporal punishment such as being spanked, slapped or hit with a hand or an object than older children.[3]



Children experience a wide variety of painful and humiliating punishment. A 2004 study in **Belize**, involving 1,475 5-12 year olds, found that on average 57% of them had been "lashed" at home or knew someone who had been "lashed" and that of those who were hit, 91% said they were hit "hard", 9% "softly".[4] An earlier study in **Belize** found that children were beaten with objects including broomsticks, belts, electric cords, paddles and shoes.[5]

A study involving nearly 4,000 children aged 3-17 in **Guyana** found that 81% had been beaten or hit with a belt, cane, whip or other object; children as young as 3 years reported being disciplined by their parents with an object. One third of children described physical punishments leading to injury, including bleeding skin, broken bones and blacking out.[6] A 2004 study involving 1,720 11-12 year olds in **Jamaica** found that the most common methods adults

1 UNICEF (2010), *Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries*, NY: UNICEF

2 Brennen, S. et al (2010), "A Preliminary Investigation of the Prevalence of Corporal Punishment of Children and Selected Co-occurring Behaviours in Households on New Providence, The Bahamas", *The International Journal of Bahamian Studies*, 16, 1-18

3 UNICEF Office for Barbados and the Eastern Caribbean in association with the Governments of Barbados, St Lucia and St Vincent and the Grenadines (2006), *A study of child vulnerability in Barbados, St Lucia and St Vincent & the Grenadines*, Christ Church, Barbados: UNICEF Office for Barbados and the Eastern Caribbean

4 Rosberg, M. (2004), *Belize Study: Impact of Crime and Violence on Children and Adolescents*, Community Rehabilitation Department, Ministry of Human Development/UNICEF

5 Hunt, H. (2003), *Corporal punishment in Belize – the legal framework for violence against children*, Belize: National Organisation for the Prevention of Child Abuse and Neglect

6 Cabral, C. & Speek-Warnery, V. (2005), *Voices of Children: Experiences with Violence*, Georgetown: Ministry of Labour, Human Services and Social Security/Red Thread Women's Development Programme/ UNICEF-Guyana

used to resolve conflicts with children in the home were pushing, grabbing and slapping children (experienced by 86% of children) or beating them with an object (84.2%).[7] In a later study, also in **Jamaica**, children described being beaten with objects such as belts, rulers, garden hoses and boards,[8] and in a 2004 study involving 203 parents of 6 year olds, 46.6% stated that physical assault was the most commonly used "disciplinary method" in their homes. Of those reporting physical assault 31.1% reported spanking and 13% beating with an object; other physical assaults included pinching children, shaking them and tying their hands.[9]

A 2010 study involving 545 high school students aged 11-17 in **Curaçao** found that 37.4% had been badly shaken, squeezed hard, thrown against a wall or to the ground, grabbed by the throat, beaten with a hard object, beaten in the face or attacked with a hot or sharp object or a weapon by their mother, father or another caregiver. Nearly one in five (19.6%) had experienced this in the past year.[10]

Children also experience corporal punishment in schools and other institutions. Research in 2008 in **Haiti** found that despite prohibition, corporal punishment in schools was commonly reported, including whipping children, beating them with electric cables, and forcing children to kneel in the sun.[11] In **Jamaica**, a study reported in 2007 found that one in four primary teachers admitted to flogging students often and one in three to pinching and thumping them[12] and a 2004 study found that 86.2% of children had experienced verbal aggression or physical violence from a teacher, with incidents occurring daily for some children.[13] In **Guyana**, survey results announced in 2007 showed that 53% of schools used corporal punishment,[14] while another survey found that a similar proportion (55%) of the twenty residential care institutions for children allowed beating as a punishment[15] and over a quarter (27%) of children in the children's homes visited in a 2004 study reported being physically hurt by a caregiver in the home.[16] In a focus group with twenty children aged 10-18 years, living in children's homes and "places of safety" in **Jamaica**, a common thread that ran through their conversations was the beatings given by Housemothers and "Aunties". Corporal punishment was also raised as a concern in a focus group with workers for NGOs, and in written submissions from members of the public.[17]

Child helpline data

Child Helpline International (CHI), the global member network of child helplines, has produced a follow-up report to the 2006 UN Secretary General's Study on Violence Against Children every year since 2007. The reports are based on data gathered from some of CHI's 133 member helplines, including information about children's calls to helplines about violence. The 2011 report included data from child helplines in Aruba, Curaçao, St Maarten, Suriname and Trinidad and Tobago. In Suriname alone, 265 calls about physical abuse were received during 2010. Across the Americas and Caribbean, one in three calls to child helplines about physical abuse concerned corporal punishment by teachers and in over 40% of cases, parents were the perpetrators.Information from child helplines can help to make children's experience visible. However, not all children report the violence they experience, and the social acceptance of corporal punishment in childrearing means that it may not be perceived by children and adults as "violence" or "abuse". The reality of children's experiences of punitive violence at home, at school and elsewhere is certainly far worse than these statistics can show.

Child helplines agree on the importance of combatting corporal punishment: in the 2010 CHI report, more than three quarters of responding child helplines indicated that corporal punishment by parents was common, and 72% said that they were implementing a project to prevent corporal punishment.

References:

Child Helpline International (2011), *Violence Against Children: Child helpline data on abuse and violence*, Amsterdam: Child Helpline International

Child Helpline International (2010), *Violence Against Children: Fourth Child Helpline International Report*, Amsterdam: Child Helpline International

7 Samms-Vaughan, M. et al (2004), *Jamaican Children's Experiences of Corporal Punishment at Home and School*, University of the West Indies/Ministry of Health/University of Missouri-Columbia

8 Brown, J. & Johnson, S. (2008), "Childrearing and child participation in Jamaican families", *International Journal of Early Years Education*, 16(1), 31-40

9 Samms-Vaughan, M., Williams, S. & Brown, J. (2005), "Disciplinary Practices among parents of six-year-olds in Jamaica", *Journal of the Children's Issues Coalition*, 1, 58-70

10 Klein, K. (2010), *De prevalentie van kindermishandeling onder middelbare scholieren op Curaçao en de visie van huisartsen op de signalering aldaar*, Universitair Medisch Centrum Groningen

11 Amnesty International (2008), *Safe Schools: Every girl's right*, London: Amnesty International Publications

12 Reported in *Jamaica Gleaner Online*, 21 March 2007

13 See note 7

14 Reported in *Stabroek News*, 8 June 2007

15 Ministry of Labour, Human Services and Social Security (2006), *Assessment of procedural and physical standards in children's residential care institutions in Guyana*

16 See note 6

17 Keating, S. (2003), *A Review of Children's Homes*, www.jamaicansforjustice.org/docs/Keating Report.pdf

Attitudes towards corporal punishment

Despite high levels of corporal punishment experienced by children and high levels of approval of corporal punishment expressed by adults, research also shows some ambivalence in adult attitudes towards corporal punishment. In **Guyana**, research in 2008 found that while only 8% of parents thought school corporal punishment should be abolished, almost one in four (23%) felt that children would be better behaved in class if corporal punishment was not used and parents reported they would support prohibition if schools and teachers were properly resourced and trained in positive disciplinary methods.[18] In a study in **Jamaica**, less than a quarter of teachers surveyed believed beating was effective, and almost half identified negative effects they had seen, including students becoming oppositional, aggressive, destructive towards school property, gathering peer support against teachers, and becoming "disconnected" from school activities.[19] Also in **Jamaica**, a 2010 Government sponsored attitudinal survey of 1,000 adults found that 30% supported ending the beating of children and 80% agreed that parents could use other forms of discipline that are just as effective.[20]

Children's perspectives

The thoughts and feelings of children in the Caribbean on corporal punishment have been little studied.

In a 2007 study on the rights of young children in **Jamaica**, children aged 4-8 made frequent and explicit references to being beaten at school and to the emotional and psychological impact of beatings.

In a 2008 study in **Guyana**, 86% of 122 students surveyed said they felt bad, hurt, and sad or humiliated when they experienced corporal punishment at school and empathised when their classmates were punished.

In a study involving six focus groups with 60 children aged 7-12 in **Jamaica**, reported in 2008, children expressed their anger and hurt at physical punishments and revealed their struggle to understand the idea that their parents "beat them because of love". When children were asked about how they would behave as parents of the future, some children said they would use more democratic or flexible discipline while others said they wanted to hurt their own children as much as they had been hurt:

"I would give them everything they do to us; I would tape their hands; I would beat them so hard they can't talk; I would slap the living daylights out of them; I would tie them to the bed, and thump them in their mouth …"

References:

Early Childhood Commission (2007), *The Status of the Rights of the Young Child in Jamaica: A report prepared to inform the Active Dissemination Process of General Comment Number 7 in Jamaica*

Smith, C. & Mbozi, J. (2008), *Removing Corporal Punishment from Schools: Integrating Partner Efforts*, Georgetown: Business Unlimited Consulting Services

Brown, J. & Johnson, S. (2008), "Childrearing and child participation in Jamaican families", *International Journal of Early Years Education*, 16(1), 31-40

In all the Caribbean countries studied in the 2010 UNICEF report, the percentage of mothers and other caregivers who thought physical punishment was necessary in childrearing was much lower than the percentage of children who experienced physical punishment: for example, in **Suriname**, 62% of children experienced physical punishment while only 17% of mothers and caregivers thought that physical punishment was necessary.[21]

18 Smith, C. & Mbozi, J. (2008), *Removing Corporal Punishment from Schools: Integrating Partner Efforts*, Georgetown: Business Unlimited Consulting Services

19 Reported in *Jamaica Gleaner Online*, 21 March 2007

20 Reported in *The Gleaner*, 17 February 2010

21 See note 1

Faith based support for prohibition

Since the UN Secretary General's global Study on Violence against Children (2006), a strong and growing movement of religious leaders and communities have pledged their support for the prohibition and elimination of all corporal punishment of children. Violence against children is incompatible with the core values of respect for human dignity, compassion, justice, equality and non-violence which most religions profess and religious leaders worldwide are actively engaged in the movement to end it.

The Kyoto Declaration

One of the most significant faith-based actions supporting the recommendations of the UN Study is "A Multi-religious Commitment to Confront Violence against Children" (the Kyoto Declaration, available at www.churchesfornon-violence.org). In 2006, Religions for Peace in partnership with UNICEF convened a global consultation of religious leaders and experts in Toledo, Spain, to endorse the recommendations of the Study and provide a religious perspective. Participants from 30 countries attended, from the Buddhist, Christian, Hindu, Jain, Jewish, Muslim, Sikh and other religions. Leaders acknowledged that their religions had not always fully upheld their obligations to protect children from violence and that denial and silence had increased children's vulnerability to violence and suffering:

> *"Even as we have not fully lived up to our responsibilities in this regard, we believe that religious communities must be part of the solution to eradicating violence against children, and we commit ourselves to take leadership in our religious communities and the broader society."*

A strong call was made to reject all forms of violence against children including corporal punishment. This was made explicit in the declaration formally adopted at the Eighth World Assembly of Religions for Peace in Kyoto, Japan 2006. Article 6 states:

> *"We call upon our governments to adopt legislation to prohibit all forms of violence against children, including corporal punishment, and to ensure the full rights of children, consistent with the Convention on the Rights of the Child and other international and regional agreements."*

The Kyoto Declaration urges religious communities to work actively to change attitudes and practices that perpetuate violence against children. It acknowledges that some religious groups use their scriptures and texts to justify and condone corporal punishment of children and recommends that religious texts be used to promote the dignity of the child and to end violent punishment.

> *"We will promote the child as a person with rights and dignity, using our religious texts to provide good examples that can help adults to stop using violence in dealing with children."*

Promoting prohibition through religion

Religious leaders have unique opportunities to make the problem of corporal punishment visible and to influence change through their roles as pastors, spiritual leaders, teachers and scholars, community leaders and activists and as preachers and leaders of worship.

In **Jamaica** the Archdiocesan Education Board in Kingston opposes corporal punishment in Roman Catholic Schools (see box, right) and religious leaders in **Aruba**, **Guyana**, **Jamaica** and the **Cayman Islands** actively support law reform to prohibit corporal punishment in all settings, clarifying the true meaning of "discipline" and emphasising that physical punishment is incompatible with core religious values and that attempting to justify its use through Biblical texts is inappropriate (see box overleaf). In other regions, Islamic leaders have spoken out against corporal punishment: a study of the Qu'ran by the Mauritanian Network of Imams resulted in a *fatwa* (religious edict) forbidding violence against children in schools, homes and in the community.

Archdiocese of Kingston, Jamaica

The Archdiocesan Education Board in the Archdiocese of Kingston, Jamaica, opposes the use of any form of corporal punishment in Roman Catholic Schools. No students shall be subject to the infliction of corporal punishment.

"It is the belief of this Board, supported by significant psychological and clinical data, that corporal punishment impairs the development of children towards their optimum potential as socially responsible adults, may adversely affect their self-image and school achievement and that it may contribute to disruptive and violent student behaviour.

"The Archdiocesan Education Board urges parents, educators, school administrators and school board members to seek non-violent alternative methods of managing student behaviour through research and reflection."

(From "Corporal Punishment in Schools", Roman Catholic Archbishop of Kingston Chancery Office, 2006)

The World Day of Prayer and Action for Children (DPAC, www.dayofprayerandaction.org), celebrated on Universal Children's Day (20 November) and organised by Arigatou International (www.arigatouinternational.org), provides opportunities and resources for religious communities across the world to organise events and activities on the DPAC three-year theme (2011-2013), "Stop Violence Against Children". The World Day encourages people of faith, guided by their religious teachings and values, to express hope and determination through prayer that the world be made fit for children. It is about making a commitment and taking action to improve children's lives.

In 2011, more than 85 World Day activities were celebrated in 71 countries, including at least 10 Caribbean countries. In **Jamaica**, a consultation with religious leaders focused on corporal punishment of children in the home and positive discipline. In **Belize**, a consultation with religious leaders discussed protective environments for children and identified the need to protect children from violence in prayers, messages and sermons; religious leaders are working with UNICEF in 2012 to promote positive parenting.

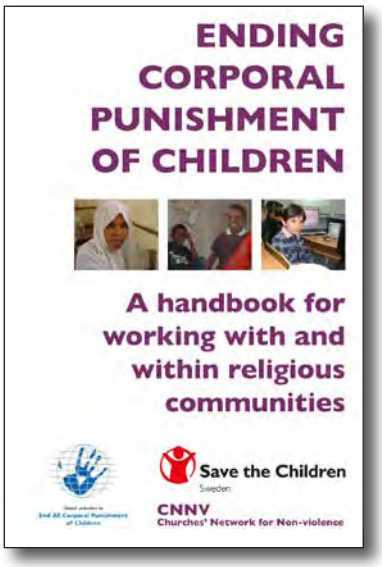
"If we really want a peaceful and compassionate world, we need to build communities of trust where all children are respected, where home and school are safe places to be and where discipline is taught by example. May God give us grace to love our children as He loves them and may their trust in us lead them to trust in Him."

(Archbishop Emeritus Desmond Tutu)

Resources

Ending Corporal Punishment of Children: A handbook for working with and within religious communities can be downloaded at www.endcorporalpunishment.org and http://resources.savethechildren.se

For information and resources on all aspects of faith based support for prohibition see the website of the Churches' Network for Non-violence, www.churchesfornon-violence.org



A Christian statement supporting legislation to end corporal punishment of children

"We believe that the adoption of legislation to prohibit corporal punishment of children in all settings is a crucial step towards a compassionate, non-violent society. We support the aims of the Global Initiative to End All Corporal Punishment of Children.

"Corporal punishment of children has for too long been a common part of our tradition and culture. But physical punishment as a form of discipline is incompatible with the core religious values of respect for human dignity, justice and non-violence and evidence of the harm it causes both in the short and long-term is well documented.

"Some Christian groups use their religion to justify physical punishment and may argue that it is sanctioned in scriptural texts such as in Proverbs 13:24: 'Those who spare the rod hate their children, but those who love them are diligent to discipline them.' But it is not appropriate to take such texts out of their ancient cultural context to justify violence towards children. As Christians, our reading of the Bible is done in the light of Jesus' teaching and example. Jesus treated children with respect and placed them in the middle of the group, as in Mark 9:37: 'Whoever welcomes one such child in my name welcomes me.'

"The word 'discipline' is for many people synonymous with physical punishment. But the word comes from the same root as 'disciple'. Positive non-violent discipline is about guiding children and teaching by adult example. It is based on empathy, compassion and an understanding of how children develop. Positive discipline is both respectful and kind and it is the best way to promote self-discipline.

"People often express concern that banning corporal punishment will mean that many good and loving parents will face prosecution for 'light' physical chastisement. But as in other countries where children enjoy equal protection under the law, parents will not be charged and prosecuted unless doing so is necessary to protect the child from significant harm. We want to emphasise that law reform should go hand in hand with support for parents, widespread education and the promotion of positive discipline.

"Through working with others and honouring children's human right to equal protection under the law, we can put our faith into action and make significant progress towards a less violent society."

The Rt Revd L. Errol Brooks, Anglican Bishop of North Eastern Caribbean and Aruba

The Revd Dr Paul Gardner, President of the Moravian Church in Jamaica and the Cayman Islands

The Rt Revd Randolph George, former Anglican Bishop of Guyana

Sheila George, Anglican Diocese of Guyana

The Rt Revd Dr Howard Gregory, Anglican Bishop elect of Jamaica and the Cayman Islands

The Rt Revd Cornell Jerome Moss STM, Anglican Bishop of Guyana

The Revd Fr Marlon Simpson, Anglican Diocese of Jamaica and the Cayman Islands

The Rt Revd Dr Robert Thompson, Anglican Suffragan Bishop of Kingston

Achieving law reform

"All States have criminal laws to protect citizens from assault. Many have constitutions and/or legislation reflecting international human rights standards and article 37 of the Convention on the Rights of the Child, which uphold 'everyone's' right to protection from torture and cruel, inhuman or degrading treatment or punishment. Many also have specific child protection laws that make 'ill-treatment' or 'abuse' or 'cruelty' an offence. But … such legislative provisions do not generally guarantee the child protection from all corporal punishment and other cruel or degrading forms of punishment."

(Committee on the Rights of the Child, General Comment No. 8, 2006)

Law reform to prohibit corporal punishment aims to ensure that children are legally protected from assault just as adults are. Achieving equal protection can be a struggle: it challenges deep rooted negative attitudes towards children as somehow not fully human and as needing to experience pain in order to learn and become acceptable members of society, as well as the notion that corporal punishment is acceptable and even a duty in childrearing – views sometimes reflected in religious beliefs. Over the years, these beliefs have become enshrined in written legislation and case law condoning the use of corporal punishment. At the same time, laws have been enacted protecting children from cruelty and abuse.

In the 21st century and in the wake of the UN Study on Violence against Children laws all over the world are being enacted or amended in order to prohibit the widening range of violence children experience. Prohibiting corporal punishment requires legislation which sends a clear message that no corporal punishment of children – wherever they may be – is acceptable or lawful: no compromise, attempting to define acceptable forms of violent punishment, is acceptable.

Prohibition of corporal punishment is achieved when:

- all defences and authorisations of corporal punishment are repealed (removed); and
- legislation explicitly prohibits all corporal punishment and other cruel and degrading punishment.

These key aspects of law reform are discussed further on the following pages with particular reference to the Caribbean. Detailed information on the current legality of corporal punishment and the law reform necessary to achieve prohibition in each state and territory is included in the country reports on pages 33 to 64.

The colonial roots of legalised corporal punishment of children across the Caribbean

As in much of Africa and Asia, corporal punishment of children was promoted and institutionalised across the Caribbean during the colonial period, in the context of military occupation and slavery, in the development of early school and penal systems, and in some Christian missionary teaching.

The legality of corporal punishment across the region has its origins in the laws of colonising European countries. This is visible in the provisions allowing for "reasonable punishment" in the laws of many Caribbean nations, as well as the application of the English common law concept of "reasonable chastisement" in British overseas territories including Anguilla, the Cayman Islands and the Turks and Caicos Islands.

In the parts of the Caribbean which were colonised by Britain, not only was brutal treatment of slaves, including corporal punishment, sanctioned by law, but the legal system was designed to legitimise slavery:

"The initiation of law into Caribbean society was within a colonial, imperialist and inequitable framework, as a tool to legitimise the exploitative nature of plantation society…. Historically … Caribbean law has been capitalistic, foreign, elitist and oppressive in outlook."

(Antoine, 2008)

Corporal punishment of slaves, including whipping, was commonplace: in British colonies it was regulated through slave laws. At the abolition of slavery, new laws regulating corporal punishment of workers were introduced: for example, in 1824 an order forbade the use of the whip to coerce labour in the field and limited its use as a disciplinary measure – only men could be flogged, to a maximum of twenty-five lashes. Today, this is echoed in legal provisions which specify the types of corporal punishment to be inflicted and allow for corporal punishment of males only: for example, the laws of Barbados, Dominica and St Vincent and the Grenadines all allow for boys but not girls to be sentenced to corporal punishment and specify the number of strokes which may be used.

Professor Merle Hodge of the University of the West Indies has said that the "profound commitment to the use of physical and verbal violence in the socialization of children" in the Caribbean is part of a "culture of violence" which can be traced back to the violent history of the Caribbean:

"Caribbean society was born out of brutality, destructiveness, rape: the destruction of the Amerindian peoples, the assault on Africa, the forced uprooting and enslavement of the African; the gun, the whip, the authority of force. Yet the Caribbean today is not particularly noted for any large-scale, organized violence…. But the violence of our history has not evaporated. It is still there. It is there in the relations between adult and child, between black and white, between man and woman. It has been internalized: it has seeped down into our personal lives."

(Hodge, 2010)

References

Antoine, R. (2008), *Commonwealth Caribbean: Law and Legal Systems*, 2nd ed, Oxon: Routledge-Cavendish

Hodge, M. (2010), "Commentary: Everyday Violence Against Children", *Caribbean Review of Gender Studies*, 4

Repealing defences and authorisations of corporal punishment

It is obvious that if corporal punishment is to be prohibited, laws and regulations which explicitly state that it can be used, by whom and in what manner, must be repealed. Equally, any provisions authorising a "right of correction", or a "right to administer reasonable punishment/chastisement", or a "right to moderately and adequately correct a child" must also be removed. Without explicit repeal of these defences and justifications, children do not have equal protection from assault; laws may exist against violence and abuse of children, but these are not interpreted as prohibiting all corporal punishment.

The majority of states in the Caribbean have laws, inherited from the colonial period, which provide a legal defence for the use of corporal punishment. In many, the defence for "reasonable chastisement" is derived from English common law; in the French territories there is a "right of correction" under customary law. Explicitly repealing these defences in their entirety (not simply limiting or restricting them) is an integral element of law reform to prohibit corporal punishment of children. For example, the English common law defence for "reasonable chastisement" might be repealed by enacting a law which states:

"Nothing in any rule of common law justifies the use of force for the purpose of correction."

The legal defences in written Caribbean legislation identified in the box on the left might be repealed with the following law:

"No child may be subjected to corporal punishment. Section […] is repealed."

Legal defences for corporal punishment in Caribbean law - to be repealed as part of law reform to achieve prohibition

"Nothing in this section [on child cruelty] shall be construed as affecting the right of any parent, teacher or other person having the lawful control or charge of a juvenile to administer reasonable punishment to him."

Antigua and Barbuda *(Juvenile Act 1951, art. 5(6));* **Barbados** *(Prevention of Cruelty to Children Act 1904, art. 4);* **Belize** *(Summary Jurisdiction (Procedure) Act, art. 6);* **Cayman Islands** *(Penal Code 2007 Revision, art. 226(7)); Juveniles Law 1990, art. 41(8));* **Dominica** *(Children and Young Persons Act 1970, art. 5(6));* **Grenada** *(Criminal Code, art. 54(i));* **Guyana** *(Criminal Law (Offences) Act 1894, art. 9; Summary Jurisdiction (Offences) Act 1894, art. 7);* **Montserrat** *(Penal Code 1983, art. 193(6) ; Juveniles Act 1982, art. 37);* **St Lucia** *(Children and Young Persons Act 1972, art. 5(6));* **St Vincent and the Grenadines** *(Juveniles Act, art. 8);* **Trinidad and Tobago** *(Children Act 1925, art. 22);* **Turks and Caicos Islands** *(Juveniles Ordinance 1968, art. 5(6));* **US Virgin Islands** *(Virgin Islands Code 1992, 14.24.507)*

"A blow or other force, not in any case extending to a wound or grievous harm, may be justified for the purpose of correction, as follows – (1) a parent may correct his or her legitimate or illegitimate child, being under sixteen years of age, or any guardian or person acting as a guardian, his ward, being under sixteen years of age, for misconduct or disobedience to any lawful command…."

Bahamas *(Penal Code, art. 110);* **Belize** *(Criminal Code 1981, art. 39(1))*

"It is lawful for a parent, or a person in the place of a parent, or for a school-master or master, to use, by way of correction towards a child, pupil, or apprentice, under his care, such force as is reasonable under the circumstances."

Bermuda *(Criminal Code 1907, art. 266)*

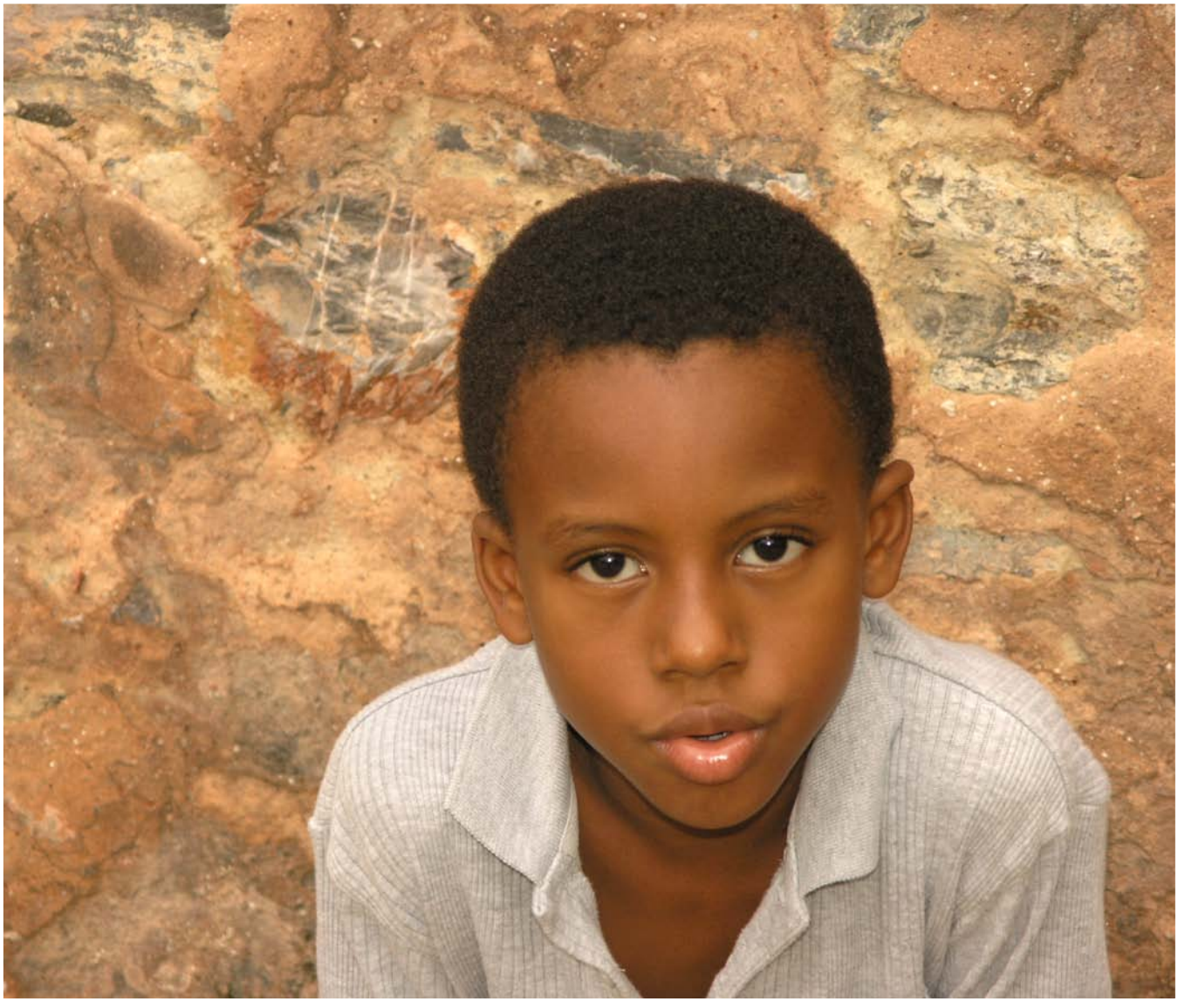
"The minor or incompetent subject to guardianship owes respect and obedience to the tutor. The tutor may correct him moderately." (Unofficial translation)

Puerto Rico *(Civil Code 1930, art. 208)*

Explicitly prohibiting all corporal punishment and other cruel and degrading punishment

When all authorisations and defences for corporal punishment are repealed, criminal law on assault applies to children as to all other persons: any assault, including in the name of "discipline", will be unlawful, whoever the perpetrator. But to send a clear message, the law should explicitly state that corporal punishment is prohibited.

Prohibiting corporal punishment requires using language that is clear and not liable to misinterpretation. Laws which prohibit "all forms of violence" or which confirm the child's right to "respect for human dignity and physical integrity" are unlikely to be perceived and interpreted as prohibiting all corporal punishment in childrearing by those who support the use of some degree of corporal punishment of children. Similarly, laws which prohibit "corporal punishment that causes harm" may be construed as not prohibiting all corporal punishment by those who believe that only physical punishment which reaches a certain threshold of severity is harmful and that "light" physical punishment is acceptable or even in the child's best interests. So-called "compromise laws" – laws which limit rather than prohibit the use of corporal punishment (e.g. making corporal punishment of older children unlawful but allowing it for younger children, or prohibiting blows to the head or the use of an implement but allowing slaps) – do not achieve equal protection from assault for children.



The box below provides examples of the clarity of prohibition of corporal punishment that has been achieved in some settings in some states in the Caribbean. Similar clarity is needed in enacting prohibition in the home.

Caribbean laws explicitly prohibiting corporal punishment in settings outside the home

Bahamas Residential Care Establishments Act 2003, art. 27	*(1) No person shall inflict corporal punishment on a resident in a residential care establishment.* *(2) No person shall physically restrain another person for the purposes of inflicting punishment on that person in a residential care establishment so, however, that where restraint is necessary for the physical protection of the person such restraint shall be administered by a care giver in that residential care establishment.* *(3) No person shall deprive a resident in a residential care establishment of sleep, food and good hygienic care.* *(4) No person shall subject a resident of a residential care establishment to excessive labour.*
Belize Education and Training Act 2010, arts. 50(2), 51(2) and 51(4)	*(2) School authorities shall ensure that pupils are free at school from physical, sexual or other forms of harassment, from intimidation and corporal punishment, and from exposure to drugs, pornography and other forms of morally, mentally or physically harmful activities.* *(2) Every Managing Authority shall consult with principals, members of school staff, parents of students registered at their schools, and students registered at their schools and make a written statement of general principles and measures for promoting good behaviour and discipline for schools under its management.* *(4) In accordance with subsection (2) of this section, nothing in the statement of general principles and measures or measures for regulating the conduct of students shall authorise anything to be done in relation to a student which constitutes harassment, intimidation, the administering of corporal punishment or any other actions harmful to a student.*
Dominica Education (Early Childhood Education) Regulations 2002, art. 54	*A permit holder operating a facility shall ensure –* *(c) that no child while attending the facility is subjected to emotional, physical or sexual abuse or to physical or emotional neglect or to shaking, shoving, hitting, spanking or any other form of corporal punishment.*
Haiti Law Against Corporal Punishment of Children 2001, arts. 1 and 2 (unofficial translation)	*The inhuman treatment of any nature comprising corporal punishment of a child is forbidden.* *Inhuman treatment is defined by any action that causes a bodily or emotional shock to a child, such as hitting or pushing, or inflicting any punishment that causes damage to the child, using or without the intermediary of an object, weapon or abusive physical force.*
Jamaica Child Care and Protection Act 2004, art. 62	*A child in a place of safety, children's home or child in the care of a fit person shall have the following rights –* *(d) to be free from corporal punishment.*
Puerto Rico Organic Act of the Department of Education of Puerto Rico 1999, art. 3.09	*Students shall observe the standards of behavior that are promulgated to ensure the orderly performance of the school. The violation of these standards will bring about the imposition of sanctions that will vary from a slight admonishment, to expelling the student. The sanction of suspension and expelling the student shall not be imposed without undergoing due process of law, except in those cases indicated in Section 3.10 of this Act. Corporal punishment is forbidden.*

Opportunities for law reform and moves towards prohibition

Key opportunities for enacting laws to prohibit corporal punishment arise when legislation is being reviewed, for example when national laws are being harmonised with the Convention on the Rights of the Child and other human rights instruments, and when new laws relevant to children are being drafted. There are many current opportunities for reform in the Caribbean and in some states prohibition is being actively promoted in this context, though there are also examples of proposals to enact laws authorising corporal punishment.

One opportunity for enacting prohibition is provided by the Family Law and Domestic Violence Reform Project of the Organisation of Eastern Caribbean States (OECS), part of the wider Judiciary and Legal Reform Project of the Eastern Caribbean Supreme Court. For this project, the OECS drafted five "model family bills", including a Child Justice Bill, a Children (Care and Adoption) Bill and a Domestic Violence Bill. As drafted in 2007, these Bills were silent on the issue of corporal punishment, but they nevertheless provide an opportunity for enacting prohibition as OECS member states and others review them with a view to adopting new legislation.

The following table outlines current opportunities for enacting prohibition and moves towards prohibition across the region. Further information can be found in the individual country reports on pages 33 to 64.

Opportunities for law reform and moves towards prohibition in the Caribbean

State	Opportunities for law reform	Moves towards prohibition
Antigua and Barbuda	Laws being harmonised with international human rights obligations; OECS draft Bills under consideration	The Child Justice Bill drafted by the OECS would not provide for corporal punishment as a sentence – it was widely circulated for review but the process was put on hold; during the UPR in 2011, the Government acknowledged that the Corporal Punishment Act should be repealed; other Bills as drafted by the OECS would not prohibit corporal punishment.
Bahamas	Constitution under review	During the UPR in 2008, the Government stated its intention to repeal laws allowing corporal punishment as a sentence.
Barbados	Constitution under review; drafting of laws on discrimination and torture under consideration	The Minister of Education has publicly advocated prohibition in schools, but this is not the official Government position.
Belize	?	The Government accepted recommendations to prohibit made during the UPR (2009) and stated that full prohibition is being considered.
Dominica	OECS draft Bills possibly under consideration	No known progress.
Grenada	Child Justice Bill and draft new Constitution under discussion	The Child Justice Bill drafted by the OECS would not provide for corporal punishment as a sentence; during the UPR in 2008, the Government indicated its commitment to enacting the Bill, which was scheduled for its first reading in the House of Representatives in April 2012.
Guyana	Education Bill under discussion	The possibilty of including prohibition in the Education Bill is being discussed; recent law reform prohibits corporal punishment as a sentence and in penal institutions for boys under 17 and in some forms of care.
Haiti	?	No known progress.
Jamaica	New schools legislation being drafted	Proposals have been made to prohibit corporal punishment in schools in legislation on safe schools; private members' Bills to repeal provisions for judicial flogging tabled in the House of Representatives in October 2010 were withdrawn in June 2011.
St Kitts and Nevis	OECS draft Bills possibly under consideration	No known progress.
St Lucia	OECS draft Bills possibly under consideration	No known progress.
St Vincent and the Grenadines	OECS draft Bills possibly under consideration	No known progress.
Suriname	Regulations for day care under consideration	The Government accepted recommendations to prohibit corporal punishment in schools made during the UPR and stated that regulations to prohibit it in day care are being discussed (2011).
Trinidad and Tobago	Children Bill under discussion	Children Bill would prohibit corporal punishment by all persons except parents/guardians; legislation prohibiting corporal punishment in schools and as a sentence for crime was enacted in 2000 but has not been brought into force.

State/territory		Opportunities for law reform	Moves towards prohibition
France	Guadeloupe	Bill which would prohibit under discussion in France	Bill No. 1971 to abolish all corporal punishment was filed in the National Assembly of France in November 2010; if passed it would apply in Guadeloupe.
	Martinique	Bill which would prohibit under discussion in France	Bill No. 1971 to abolish all corporal punishment was filed in the National Assembly of France in November 2010; if passed it would apply in Martinique.
	St Barthelemy	Bill which would prohibit under discussion in France	Bill No. 1971 to abolish all corporal punishment was filed in the National Assembly of France in November 2010; if passed it would apply in St Barthelemy.
	St Martin	Bill which would prohibit under discussion in France	Bill No. 1971 to abolish all corporal punishment was filed in the National Assembly of France in November 2010; if passed it would possibly apply in St Martin.
Kingdom of the Netherlands	Aruba	Civil Code being revised; new Penal Code under discussion	As at January 2012, proposed revisions to the Civil Code did not include prohibition; the Minister of Justice has advised against including prohibition in the new Penal Code.
	Bonaire	Laws of the Netherlands being adopted	The Civil Code of the Netherlands was amended in 2007 to prohibit all corporal punishment; adopting the Code in Bonaire would result in prohibition being achieved.
	Curaçao	Civil Code being revised; new Penal Code under discussion	Proposed amendments to the Civil Code do not include prohibition.
	Saba	Laws of the Netherlands being adopted	The Civil Code of the Netherlands was amended in 2007 to prohibit all corporal punishment; adopting the Code in Saba would result in prohibition being achieved.
	St Eustatius	Laws of the Netherlands being adopted	The Civil Code of the Netherlands was amended in 2007 to prohibit all corporal punishment; adopting the Code in St Eustatius would result in prohibition being achieved.
	St Maarten	Joint Custody Bill and new Criminal Code under discussion	The Joint Custody Bill would amend the Civil Code to prohibit all corporal punishment.
UK	Anguilla	Education Bill under discussion	Early drafts of the Bill did not provide for corporal punishment, but this decision was reversed following debate.
	Bermuda	?	No known progress.
	British Virgin Islands	New Prison Law and Prison Rules being drafted; OECS draft Bills possibly under consideration	No known progress.
	Cayman Islands	?	The Education Modernisation Law (2009) prohibits corporal punishment in schools but has not yet been brought into force.
	Montserrat	OECS draft Bills under consideration	The OECS draft Bills were reviewed by the Legal Department in 2007 but there appears to have been no further progress.
	Turks and Caicos Islands	Laws being harmonised with the Convention on the Rights of the Child; OECS draft Bills under consideration	No known progress.
US	Puerto Rico	?	No known progress.
	US Virgin Islands	?	No known progress.

From prohibition to elimination ...

How states can move on from violent punishment of children

As this report underlines, achieving children's right to full protection of their human dignity and physical integrity and to equal protection under the law is established as a global human rights imperative. It requires explicit prohibition of corporal punishment and all other cruel or degrading forms of punishment, in children's family homes and in all other settings.

But law reform on its own will not achieve the transformation in attitudes and practice required to eliminate violent punishment of children. The path from prohibition to elimination requires sustained public education and awareness-raising measures to eliminate violent punishment of children.

The task of transforming traditional attitudes and practices is huge and common to all countries globally, aside from the very small number which have achieved complete prohibition and also followed up with sustained educational measures to change beliefs and behaviour. Resources – human and financial – available to achieve this transformation are drastically limited in most countries, including across the Caribbean. States vary in size, in the structures of programmes, services and systems which impact on children and families and in effective methods of delivering public education.

The states which have achieved full prohibition have done so in almost every case despite majority public opinion opposing a ban. On this as on many other social issues, governments must act on the basis of their human rights obligations and professional advice – well ahead of public opinion. There is no justification for keeping children waiting for a change in the law to confirm their fundamental rights while attempting to change adult attitudes. Nobody would argue that law reform to prohibit all violence against women in the home should await universal anger management courses and full employment for men.

Across the Caribbean region there are already many pilot programmes, projects and materials encouraging positive, non-violent forms of discipline aimed at parents, teachers and others, promoted by governments, UNICEF and other UN agencies and a variety of NGOs. But to achieve comprehensive and sustainable progress towards elimination, it is essential to fully engage governments in the process, to ensure integration into all relevant services and contacts with children and families.

Across the region ...

In **Jamaica**, the Ministry of Education and UNICEF produced a resource guide for teachers on positive disciplinary practices. *Strictly Positive: a Resource Guide on Positive Disciplinary Practices* (2011) (www.unicef.org/jamaica/resources_22308.htm) aims to provide easy access to information for school personnel to support them in using alternatives to corporal punishment. A leaflet was also produced – *Positive Discipline: Tips for Parents and Teachers* – with the aim of contributing to consistency in the use of positive discipline at home and school.

The Early Childhood Commission of Jamaica (ECC), charged with improving the quality of early childhood development, has used annual cross-sectoral conferences to highlight and address specific problems impacting on young children's development. In 2007, the conference focussed on Implementation of the Rights of the Young Child. In 2009, based on teachers' requests for knowledge of alternatives to corporal punishment – the Early Childhood Act (2005) prohibits corporal punishment in early childhood centres – the ECC chose the theme "Promoting Positive Behaviours in Young Children" for its conference, which focussed on preventing challenging behaviours as well as on acceptable forms of discipline for young children.

Also in Jamaica, the Roman Catholic Archdiocesan Education Board of the Archdiocese of Kingston released a policy statement in 2006 stating that no student in their schools should be subject to the infliction of corporal punishment (see page 19), and since then has been working to eliminate corporal punishment in its 72 schools. Parenting Partners, a Caribbean organisation based in Jamaica, delivers parenting training including working with 8 countries in 2007-2009 to offer a 150-hour curriculum course on parenting group facilitation.

In **Belize**, prohibition in schools came into effect in May 2011, and guidelines for teachers are being developed by the Ministry of Education. The National Organisation for the Prevention of Child Abuse and Neglect (NOPCAN) is supporting this process (contact nopcanbelize@yahoo.com). NOPCAN is also lobbying for the prohibition of corporal punishment in the home, including developing a children's newsletter and using social media, the radio and television to raise awareness of issues around physical and humiliating punishment of children.

In **Guyana**, Forward Guyana is working to end corporal punishment in one school, including delivering training for teachers, students and parents in partnership with the Ministry of Health. The work follows on from work done in the same school in 2009 as part of a UNICEF-funded project and it is hoped that it will expand to other schools. Another organisation, Help and Shelter (www.hands.org.gy), is lobbying for legal prohibition of school corporal punishment as well as working to increase awareness of child rights and non-violent discipline methods among parents and carers, including through providing training for parents and developing parenting education materials.

In **St Kitts and Nevis**, EPSOL Inc has been training primary school teachers and guidance counsellors in positive behaviour support, using the School Wide Positive Behaviour Support approach, which is designed to be adaptable to country and school culture.

RISE **St Lucia** (www.risesaintlucia.com) advocates against corporal punishment of children, including through TV and radio appearances and by delivering lectures for teachers, staff of custodial centres and parents. The organisation involves young people in its advocacy through youth-friendly spaces which run after school and at a custody facility, and has created and is publicising a shadow report to the Committee on the Rights of the Child, which includes information on corporal punishment and is informed by the results of a research project carried out by young people.

The UNICEF **Eastern Caribbean** Area Multi Country Programme 2012-2016 includes plans for work on an OECS policy framework on school discipline that discourages the use of corporal punishment in schools and on the use of positive disciplinary practices and conflict resolution approaches in schools in the Eastern Caribbean and **Trinidad and Tobago**. Work on positive discipline has already begun in all primary schools in **Antigua**, some primary schools in **Dominica** and some primary and secondary schools in **Barbados**, and is due to begin in **Grenada**, **St Vincent and the Grenadines** and **Trinidad and Tobago**.

From prohibition to elimination:

A preliminary list of measures needed to accompany/follow prohibition

- Wide dissemination and explanation of the law and its implications
- Development of detailed guidance, for all those involved, on how the law prohibiting violent punishment should be implemented in the best interests of children
- Communication of children's right to protection from corporal punishment and all other cruel or degrading forms of punishment to children and adults
- Promotion of positive, non-violent forms of discipline to the public, children, parents, other carers, teachers, etc
- Dissemination of information on the dangers of corporal punishment
- Integration of implementation/enforcement of the prohibition into the national and local child protection system
- Identification of key public figures and a wide range of partners who can support the implementation of the law and transformation of attitudes
- Attraction of necessary resources
- Evaluation of the impact of law reform and other measures, through a baseline survey and regular follow-up surveys, interviewing children and parents.

Possible channels and opportunities/contact points for communication of key messages

- Birth registration
- Pre-natal and post-natal services
- All other health service and health practitioner contacts with parents, future parents, children
- Pre-school entry, school entry, school curriculum, informal educational settings
- Social and welfare services in contact with children (including children in all non-family settings) and with families
- Initial and in-service training of all those working with and for families and children, including teachers, care workers, etc
- Elements of civil society in contact with children and families, including religious/faith groups
- The media
- The internet, social networking technology, etc.

Planning for change

In each state and territory, a plan should be developed by the Government with other potentially active partners on how to move from prohibition to elimination. Where states are developing national plans to eliminate all forms of violence against children, this can form one integrated element. A review is likely to be needed, covering:

- what action there has been – including development of programmes and materials – in each state challenging corporal punishment in the different settings of children's lives: home and family, local community, schools and other institutions, all forms of alternative care, child labour and penal systems for children
- what are the structures of relevant national/local services impacting on children and families which could be used as a communications vehicle to support the move away from violent punishment
- what research is available on the prevalence of and attitudes towards violent punishment of children
- what positive examples are there of comparable large-scale public education campaigns in the state or similar states which could provide relevant models/ideas.

Legality of corporal punishment in the Caribbean: state by state analysis (April 2012)

Please note: The following information has been compiled from many sources, including reports to and by the United Nations human rights treaty bodies. Information in square brackets is unconfirmed. We are very grateful to government officials, UNICEF and other UN agencies, NGOs and human rights institutions, and many individuals who have helped to provide and check information. Please let us know if you believe any of the information to be incorrect: info@endcorporalpunishment.org.

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Antigua and Barbuda	✗	✗	✗	✗	✗
Bahamas	✗	✗	[✗][1]	[✓][2]	SOME[3]
Barbados	✗	✗	✗	✗	[SOME][4]
Belize	✗	✓	✓	SOME[5]	SOME[6]
Dominica	✗	✗	✗	✗	SOME[7]
Grenada	✗	✗	✗	✗	SOME[8]
Guyana	✗	✗	SOME[9]	SOME[10]	SOME[11]
Haiti	✗[12]	✓	✓	✓	✓
Jamaica	✗	SOME[13]	✓[14]	✓[15]	✓[16]
St Kitts and Nevis	✗	✗	✗	✗	✗
St Lucia	✗	✗	✓	✗	✗
St Vincent and the Grenadines	✗	✗	✗	✗	✗
Suriname	✗	✗	✓	✓	✗
Trinidad and Tobago	✗	✗	✗[17]	✗	✗[18]

1 Judicial corporal punishment prohibited in 1984 but reintroduced in 1991; not prohibited in 2006 Child Protection Act
2 But some legislation still to be repealed (2011)
3 Prohibited in residential institutions, lawful in other forms of care
4 Prohibited in state-arranged foster care and pre-school settings, and in day care centres and children's residential centres run by Child Care Board, but lawful in private foster care
5 Prohibited in "Youth Hostel" detention centre but lawful in other penal institutions
6 Prohibited in residential care facilities and in day care centres
7 Prohibited in early childhood education facilities
8 Prohibited in child care homes by licensing requirements
9 Prohibited for under 17s, lawful for 17 year olds
10 See note on sentence
11 Prohibited in some settings in Child Care and Services Development Act
12 Possibly prohibited by 2001 law but no unequivocal information
13 Prohibited in schools for children up to age 6; prohibition in all schools under discussion (2012)
14 Ruled unconstitutional in 1998 but some legislation yet to be repealed (2012)
15 But some legislation still to be repealed (2012)
16 See detail in country report on page 41
17 Corporal Punishment (Offenders Not Over Sixteen) Act repealed in 2000 but provision in Children Act authorising judicial whipping of children still in force
18 Policy advises against corporal punishment in health care and psychiatric institutions but no prohibition in law

Overseas departments, territories and dependencies

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
France					
Guadeloupe	✗ [19]	✗ [20]	✓	✓ [21]	✗ [22]
Martinique	✗ [23]	✗ [24]	✓	✓ [25]	✗ [26]
St Barthelemy	✗ [27]	✗ [28]	✓	✓ [29]	✗ [30]
St Martin	✗ [31]	✗ [32]	✓	✓ [33]	✗ [34]
Kingdom of the Netherlands					
Aruba	✗	✗	✓	[✗]	[✗]
Bonaire	✗	[✗]	✓	✓ [35]	✗
Curaçao	✗	[✗]	✓	✓ [36]	✗
Saba	✗	[✗]	✓	✓ [37]	✗
St Eustatius	✗	[✗]	✓	✓ [38]	✗
St Maarten	✗ [39]	[✗] [40]	✓	✓ [41]	✗ [42]
UK					
Anguilla	✗	✗	✓	✓ [43]	✗
Bermuda	✗	✗	✓	✓	✗
British Virgin Islands	✗	✗	✓	✓ [44]	✗
Cayman Islands	✗	✗	✓	✗	✗
Montserrat	✗	✗	✓	✗	✗
Turks and Caicos Islands	✗	✗	✓	✗	✗
US					
Puerto Rico	✗	✓	✓	✓	✗
US Virgin Islands	✗	✗	✓	✓ [45]	✗

19 Bill No. 2971 to abolish all physical and psychological violence against children by persons with parental authority under discussion (2012)
20 See also note on home
21 But no explicit prohibition; see also note on home
22 See note on home
23 Bill No. 2971 to abolish all physical and psychological violence against children by persons with parental authority under discussion (2012)
24 See note on home
25 But no explicit prohibition; see also note on home
26 See note on home
27 Bill No. 2971 to abolish all physical and psychological violence against children by persons with parental authority under discussion (2012)
28 See note on home
29 But no explicit prohibition; see also note on home
30 See note on home
31 Bill No. 2971 to abolish all physical and psychological violence against children by persons with parental authority under discussion (2012)
32 See note on home
33 But no explicit prohibition; see also note on home
34 See note on home
35 But no explicit prohibition
36 But no explicit prohibition
37 But no explicit prohibition
38 But no explicit prohibition
39 Legislation which would prohibit under discussion (2012)
40 See note on home
41 But no explicit prohibition; see also note on home
42 See note on home
43 But no explicit prohibition
44 But no explicit prohibition
45 But no explicit prohibition

ANTIGUA AND BARBUDA

Child population (0-17): 28,000 (UNICEF, 2010)

Current legality of corporal punishment

Home (lawful): Article 5(6) of the Juvenile Act (1951) confirms "the right of any parent, teacher or other person having the lawful control or charge of a juvenile to administer reasonable punishment to him". Provisions against violence and abuse in the Childcare and Protection Act (2003), the Offences Against the Person Act (1873) and the Domestic Violence (Summary Proceedings) Act (1999) are not interpreted as prohibiting corporal punishment in childrearing.

Schools (lawful): Article 50 of the Education Act (2008) states that "degrading or injurious punishment shall not be administered" but that corporal punishment may be administered "where no other punishment is considered suitable or effective, and only by the principal, deputy principal or any teacher appointed by the principal for that purpose, in a manner which is in conformity with the guidelines issued in writing by the Director of Education"; the punishment should be recorded in a punishment book. Article 51 provides for the Minister to abolish corporal punishment subject to Parliamentary approval.

Penal system – sentence for crime (lawful): The Corporal Punishment Act (1949) and article 12 of the Juvenile Act allow for persons under 18 at the time of the offence to be sentenced to whipping. Other laws allow whipping as part of, or as an alternative to, the specified punishment if the offender is under 16, including the Offences Against the Person Act (articles 54 and 62), the Criminal Law Amendment Act (1887) (article 3(2)), the Railways Offences Act (1927) (article 3) and the Magistrates Code of Procedure Act (1892) (article 105).

Penal system – disciplinary measure in penal institutions (lawful): The Corporal Punishment Act provides for flogging for breaches of prison discipline (article 4); the Prison Act (1956) allows up to 12 strokes for persons under 21 (article 11); the Training Schools Act (1891) allows for enforcement of regulations "by fine, whipping, imprisonment or other punishment" (article 5).

Alternative care settings (lawful): There is no explicit prohibition and article 5 of the Juvenile Act applies (see above).

Law reform under way

As an OECS member state, Antigua and Barbuda will have received the draft Bills of the Family Law Reform Project for consideration (see page 26). The Child Justice Bill was considered by the Ministry of Social Transformation and the Ministry of Legal Affairs and circulated to relevant agencies for review, but the review was put on hold and to our knowledge has not been resumed.

Law reform necessary to achieve prohibition in Antigua and Barbuda

Repeal of right "to administer reasonable punishment" (in Juvenile Act); repeal of provisions authorising corporal punishment (in Education Act, Corporal Punishment Act, Offences Against the Person Act, Criminal Law Amendment Act, Railways Offences Act, Magistrates Code of Procedure Act, Juvenile Act, Prison Act, Training School Act); explicit prohibition of corporal punishment in the home, schools, penal system and alternative care settings.

Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (2004).[1]
UPR (2011): Government stated Corporal Punishment Act should be repealed but rejected recommendations to prohibit all corporal punishment.[2]

1 3 November 2004, CRC/C/15/Add.247, Concluding observations on initial report, paras. 35, 36 and 48

2 14 December 2011, A/HRC/19/5, Report of the Working Group, paras. 19, 69(9), 69(10), 69(11), 69(12), 69(13), 69(14) and 69(15)

BAHAMAS

Child population (0-17): 96,000 (UNICEF, 2010)

Current legality of corporal punishment

Home (lawful): Under provisions for "justifiable force", article 110 of the Penal Code (1873) allows a parent or guardian to "correct his or her legitimate or illegitimate child ... for misconduct or disobedience to any lawful command" and states that "no correction can be justified which is unreasonable in kind or in degree". The Child Protection Act (2006) recognises children's right "to exercise, in addition to all the rights stated in this Act, all the rights set out in the United Nations Convention on the Rights of the Child", but this is "subject to any reservations that apply to The Bahamas and with appropriate modifications to suit the circumstances that exist in The Bahamas with due regard to its laws" (article 4c). The Act does not repeal article 110 of the Penal Code and provisions in the Act against violence and abuse are not interpreted as prohibiting corporal punishment in childrearing.

Schools (lawful): Article 110 of the Penal Code applies (see above).

Penal system – sentence for crime (?lawful): The law is unclear. Until 1984, corporal punishment was specified in the Penal Code as punishment for a number of crimes. Act No. 12 of 1984 repealed the corporal punishment provisions and inserted article 118 explicitly prohibiting corporal punishment as a sentence. The Criminal Law (Measures) Act (1991) reintroduced corporal punishment for certain offences in the Penal Code, the Sexual Offences and Domestic Violence Act (1991) and the Firearms Act (1969), including whipping for boys. However, the 1991 Act did not repeal article 118 of the Penal Code, and the two laws are in conflict. Case law in the Privy Council and the Supreme Court has ruled that judicial corporal punishment as reintroduced is constitutional and lawful only for offences for which the law had previously and explicitly prescribed corporal punishment, and is unconstitutional for offences which were not previously punished in this way (sexual offences).

The Child Protection Act does not include corporal punishment among permitted measures for juvenile offenders but does not explicitly prohibit it. Under article 120(5), a child or young person charged with certain serious offences and in some other circumstances must be dealt with under the Magistrates Act, the Penal Code and the Criminal Procedure Code Act. In such cases, it seems that child offenders may be liable to whipping.

Penal system – disciplinary measure in penal institutions (?unlawful): Article 118 of the Penal Code prohibits disciplinary corporal punishment but it is unclear that this overrides all laws authorising such punishment. Industrial School Rules under the now repealed Children and Young Persons (Administration of Justice) Act possibly remain in force pending the construction of new rules, and these allow for disciplinary corporal punishment for boys and girls.

Alternative care settings (partial prohibition): Corporal punishment is prohibited in residential institutions in article 27(1) of the Residential Care Establishments Act (2003); it is lawful in non-residential institutions and non-institutional forms of care under article 110 of the Penal Code (see above).

Law reform necessary to achieve prohibition in the Bahamas

Repeal of right to "correct" (in Penal Code); repeal of provisions authorising corporal punishment (in Criminal Law (Measures) Act, Industrial School Rules); explicit prohibition of corporal punishment in the home, schools, penal system and alternative care settings.

Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (2005)[3]

UPR (2008): Government rejected recommendations to prohibit corporal punishment, defending its legality in homes and schools, but stated intention to abolish judicial corporal punishment.[4]

3 31 March 2005, CRC/C/15/Add.253, Concluding observations on initial report, paras. 35 and 36

4 7 January 2009, A/HRC/10/70, Report of the Working Group, paras. 16, 34 and 54(5)

BARBADOS

Child population (0-17): 60,000 (UNICEF, 2010)

Current legality of corporal punishment

Home (lawful): Article 4 of the Prevention of Cruelty to Children Act (1904) confirms "the right of any parent, teacher or other person having the lawful control or charge of a child to administer punishment to such child". Provisions against violence and abuse in the Domestic Violence (Protection Orders) Act (1994), the Protection of Children Act (1990), the Employment (Miscellaneous Provisions) Act (1977) and the Offences Against the Person Act (1994) are not interpreted as prohibiting corporal punishment in childrearing.

Schools (lawful): Education Regulation 18(j) authorises principals to inflict corporal punishment and to delegate the authority to do so to the deputy principal and senior teachers. In 2006, the Government stated that "the Government and people of Barbados did not view corporal punishment as torture, or inhumane or degrading in itself" and there were no plans to review its legality.[5] During the UPR of Barbados in 2008, the Government noted that the Minister of Education's public advocacy for abolition of corporal punishment in schools did not reflect the official position.[6]

Penal system – sentence for crime (lawful): The Magistrate's Courts Act provides for boys aged 8-15 to be "privately whipped" at a police station, up to 12 strokes with a "tamarind or other similar rod", in place of or in addition to any other punishment (article 71). The Juvenile Offenders Act provides for young offenders to be whipped (article 16(f)) and for boys aged 12-15 to be "privately whipped" in lieu of or in addition to any other punishment (article 9). Under the Corporal Punishment Act, whipping or flogging should be administered on a single occasion, up to 12 strokes for persons under 16, 24 for older persons (article 2).

Penal system – disciplinary measure in penal institutions (lawful): The Reformatory and Industrial Schools Act (1926) authorises corporal punishment as a disciplinary measure on boys (article 31) and allows a magistrate to order whipping as a punishment for attempted escape (article 34); the Prisons Act (1964) allows the use of force for maintaining discipline (article 20) and corporal punishment for specific disciplinary offences, up to 12 strokes for persons under 21 (article 40).

Alternative care settings (partial prohibition): Corporal punishment is reportedly prohibited in state-arranged foster care and in pre-school settings, and the Child Care Board Regulations (1985) prohibit it in day care centres and residential children's homes run by the Board; it is lawful in private foster care under article 4 of the Prevention of Cruelty to Children Act (see above).

Law reform necessary to achieve prohibition in Barbados

Repeal of right "to administer punishment" (in Prevention of Cruelty to Children Act); repeal of provisions authorising corporal punishment (in Education Act, Education Regulations, Juvenile Offenders Act, Corporal Punishment Act, Magistrates Jurisdiction and Procedure Act, Magistrate's Court Act, Prisons Act, Reformatory and Industrial Schools Act); explicit prohibition of corporal punishment in the home, schools, penal system and alternative care settings.

Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (1999);[7] Human Rights Committee (2007)[8]

UPR (2008): Government rejected recommendations to prohibit but accepted recommendation for public awareness initiatives to change public attitudes.[9]

5 25 September 2006, CCPR/C/BRB/3, Third state party report to the Human Rights Committee, para. 244

6 9 January 2009, A/HRC/10/73, Report of the Working Group, para. 49

7 24 June 1999, CRC/C/15/Add.103, Concluding observations on initial report, paras.19 and 22

8 11 May 2007, CCPR/C/BRB/CO/3, Concluding observations on third report, para. 12

9 16 March 2009, A/HRC/10/73/Add.1, Report of the Working Group: Addendum, paras. 21 and 23

BELIZE

Child population (0-17): 131,000 (UNICEF, 2010)

Current legality of corporal punishment

Home (lawful): Article 39 of the Criminal Code (1981) states that "a blow or other force not in any case extending to a wound or grievous harm may be justified for the purpose of correction". Article 6 of the Summary Jurisdiction (Procedure) Act confirms "the right of the parent, teacher or other person having the lawful control or charge of a child or young person to administer punishment to him". Article 2 of the Families and Children (Child Abuse) (Reporting) Regulations (1999) allows for "reasonable disciplinary measures" but does not exclude corporal punishment from what is considered reasonable. Provisions against violence and abuse in the Domestic Violence Act (2007) and the Families and Children Act (1998, amended 2000) are not interpreted as prohibiting corporal punishment in childrearing.

Schools (unlawful): Article 50(2) of the Education and Training Act (2010) explicitly prohibits corporal punishment in schools.

Penal system – sentence for crime (unlawful): Corporal punishment is prohibited under the Abolition of Judicial Corporal Punishment Act (1978).

Penal system – disciplinary measure in penal institutions (partial prohibition): The Prison Rules (2000) (Rules 38, 52, 53, 56 and 170) and the Certified Institutions (Children's Reformation) Rules (1990) (articles 11 and 13) allow for corporal punishment in penal institutions. Article 35 of the Criminal Code allows law enforcement officials to use "any necessary force not extending to a blow, wound or grievous harm". Corporal punishment is prohibited in the "Youth Hostel" detention centre by the Social Service Agencies (Operators of Residential Care Facilities for Children) (Registration, Licensing and Minimum Operating Requirements) Regulations.

Alternative care settings (partial prohibition): Corporal punishment is prohibited in residential care facilities by the Social Service Agencies (Operators of Residential Care Facilities for Children) (Registration, Licensing and Minimum Operating Requirements) Regulations (2004); it is prohibited in day care centres by the Social Service Agencies (Operators of Day Care Facilities) (Registration, Licensing and Minimum Operating Requirements) (Regulations) (1998) (section 15). It is lawful in other forms of care.

Law reform necessary to achieve prohibition in Belize

Repeal of legal defences for using corporal punishment (in Summary Jurisdiction (Procedure) Act, Families and Children (Child Abuse) (Reporting) Regulations, Criminal Code); repeal of provisions authorising corporal punishment (in Prison Rules, Certified Institutions (Children's Reformation) Rules); explicit prohibition of corporal punishment in the home, penal institutions and alternative care settings.

Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (2005, 1999)[10]

UPR (2009): Government accepted recommendations to prohibit.[11]

10 31 March 2005, CRC/C/15/Add.252, Concluding observations on second report, paras. 7, 40 and 41; 10 May 1999, CRC/C/15/Add.99, Concluding observations on initial report, para. 19

11 4 June 2009, A/HRC/12/4, Report of the Working Group, para. 67

DOMINICA

Child population (0-17): 22,000 (UNICEF, 2010)

Current legality of corporal punishment

Home (lawful): Article 5 of the Children and Young Persons Act (1970) confirms "the right of any parent, teacher or other person having the lawful control or charge of a juvenile to administer reasonable punishment to him". Provisions against violence and abuse in that Act and in the Protection Against Domestic Violence Act (2001), the Offences Against the Person Act and the Small Charges Act are not interpreted as prohibiting corporal punishment in childrearing.

Schools (lawful): Article 49 of the Education Act (1997) states that corporal punishment may be inflicted by the principal, deputy principal or a designated teacher "where no other punishment is considered suitable or effective".

Penal system – sentence for crime (lawful): The Juvenile Offenders' Punishment Act (1881) provides for any High Court Judge to order a boy under 14 who has been convicted of any offence "to be as soon as practicable privately whipped", in lieu of or in addition to any other punishment (article 2). The whipping shall be up to 12 strokes with a tamarind rod, in the presence of a police officer and, if desired, the boy's parent/guardian; a medical practitioner should certify the boy fit to receive the punishment but this requirement can be dispensed with if no medical practitioner is available within 24 hours (article 3). Under the Corporal Punishment Act (1987), a court may sentence a boy under 16, convicted of any offence, to corporal punishment in lieu of or in addition to any other punishment; if the sentence is passed by a Magistrate's Court it must be confirmed in the High Court before being carried out (article 3). The High Court may pass a sentence of corporal punishment on any male convicted of rape, sexual intercourse with a girl under 14, or attempting or aiding these offences (articles 4 and 5). It should be inflicted as soon as possible, up to 12 strokes on the buttocks for a boy under 16, 24 for older males, using a tamarind rod for those under 18 (articles 7 and 8). The flogging should be carried out in the prison; for boys under 16, it could be administered in a police station; a medical officer must certify that the person is fit to undergo the punishment (article 9). The Children and Young Persons Act refers to the Magistrate's Code of Procedure Act (1961), which allows a magistrate to order the "private whipping" of a male child or young person (article 100). The Offences Against the Person Act also provides for "private whipping" (article 71).

Penal system – disciplinary measure in penal institutions (lawful): There is no prohibition of corporal punishment in the Children and Young Persons Welfare Act (1972) or the Government Training School Act (1970). Article 33 of the Prisons Act (1877) and articles 47 and 48 of the Prison Rules (1956) allow visiting justices to order corporal punishment for breaches of discipline.

Alternative care settings (partial prohibition): The Education (Early Childhood) Regulations (2002) explicitly prohibit corporal punishment in early childhood education facilities (article 54), but it is lawful in other alternative care settings under article 5 of the Children and Young Persons Act (see above).

Law reform under way

As an OECS member state, Dominica will have received the draft Bills of the Family Law Reform Project for consideration (see page 26). We do not know if prohibition of corporal punishment has been proposed in the context of reviewing these Bills.

Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (2004)[12]

UPR (2009): Government rejected the recommendations to prohibit, stating corporal punishment in schools is not applied arbitrarily and Government has no intention of removing corporal punishment from the statute books.[13]

Law reform necessary to achieve prohibition in Dominica

Repeal of the right "to administer reasonable punishment" (in Children and Young Persons Act); repeal of provisions authorising corporal punishment (in Education Act, Offences Against the Person Act, Magistrate's Code of Procedure Act, Corporal Punishment Act, Juvenile Offenders' Punishment Act, Prisons Act, Prisons Rules); explicit prohibition in the home, schools, penal system and alternative care settings.

12 30 June 2004, CRC/C/15/Add.238, Concluding observations on initial report, paras. 28, 29, 46 and 48

13 8 February 2011, A/HRC/13/56, Report of the Human Rights Council on its thirteenth session, paras. 585 and 586

GRENADA

Child population (0-17): 35,000 (UNICEF, 2010)

Current legality of corporal punishment

Home (lawful): Article 54(i) of the Criminal Code allows for the use of "justifiable force" under the "authority to correct a child, servant or similar person for misconduct". Provisions against violence and abuse in the Child Protection Act (1998), the Domestic Violence Act (2001) and the Criminal Code are not interpreted as prohibiting corporal punishment in childrearing.

Schools (lawful): The Education Act (2002) and Act No.11 (2003) allow corporal punishment in schools.

Penal system – sentence for crime (lawful): The Criminal Code includes flogging and whipping as sentences for crime (article 70); boys aged 7-15 cannot be sentenced to flogging but may be sentenced in lieu to whipping (article 75), and whipping can be ordered in lieu of imprisonment for boys of this age (article 78). The Code includes in its provisions for "justifiable force" that which is used under the authority to execute the lawful sentence or order of a Court (article 54(b)). Judicial corporal punishment is governed by the Corporal Punishment (Caning) Ordinance (1960); it may be carried out only after medical examination and under the supervision of a prison official.

Penal system – disciplinary measure in penal institutions (lawful): Corporal punishment is lawful but we have no details of relevant legislation. Article 54 of the Criminal Code applies (see above).

Alternative care settings (partial prohibition): The Requirements of the Approval and Licensing of Child Care Homes, Grenada Bureau of Standards GDS 654:2002 prohibit corporal punishment of children in care institutions, but it is lawful in other forms of care.

Law reform under way

As an OECS member state, Grenada will have received the draft Bills of the Family Law Reform Project for consideration (see page 26). In 2008, the Government indicated its commitment to enacting the Child Justice Bill, which had been reviewed by the Ministry of Social Development and was expected to be "piloted" during 2008.[14]

Law reform necessary to achieve prohibition in Grenada

Repeal of the provision for "justifiable force" under the "authority to correct" (in Criminal Code); repeal of provisions authorising corporal punishment (in Education Act, Act No. 11, Corporal Punishment (Caning) Ordinance, Criminal Code); explicit prohibition in the home, schools, penal system and alternative care settings.

Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (2010, 2000);[15] Human Rights Committee (2009)[16]

UPR (2010): Government rejected recommendations to prohibit, stating that Government could not prohibit it since it is permissible under law.[17]

14 7 August 2009, CRC/C/GRD/2, Second state party report to the Committee on the Rights of the Child, para. 22

15 22 June 2010, CRC/C/GRD/CO/2, Concluding observations on second report, paras. 5, 6, 32, 33, 59 and 60; 28 February 2000, CRC/C/15/Add.121, Concluding observations on initial report, paras. 21 and 28

16 14 August 2009, CCPR/C/GRD/CO/1, Concluding observations in the absence of a report, para. 11

17 14 May 2010, A/HRC/WG.6/8/L.11, Report of the Working Group, para. 25; 1 October 2010, A/HRC/15/L.10, Report of the Human Rights Council on its fifteenth session, para. 50

GUYANA

Child population (0-17): 303,000 (UNICEF, 2010)

Current legality of corporal punishment

Home (lawful): Article 9 of the Criminal Law (Offences) Act (1894) confirms "the right of the guardian or teacher of a child to administer reasonable and proper punishment to the child"; there is a similar provision in article 7 of the Summary Jurisdiction (Offences) Act (1894). Provisions against violence and abuse in the Infancy Act, the Juvenile Offenders Act (1931), the Domestic Violence Act (1996), the Constitution (1980) and the Protection of Children Act (2009) are not interpreted as prohibiting corporal punishment in childrearing.

Schools (lawful): Article 9 of the Criminal Law (Offences) Act and article 7 of the Summary Jurisdiction (Offences) Act apply (see above). Ministerial Guidelines (2002) state that corporal punishment must be administered only by the head teacher, deputy head teacher or designated senior teacher and only for certain offences (including fighting and use of indecent language); boys should be punished on their hands or buttocks, girls on their hands; the punishments should be inflicted with a cane or strap no longer than 24 inches and in the presence of other learners, and all punishments should be recorded in the Misdemeanours Book.

Penal system – sentence for crime (partial prohibition): The provision in article 19 of the Juvenile Offenders Act (1931) for judicial whipping of boys under 17 was repealed by the Juvenile Offenders (Amendment) Act (2010), but boys aged 17 are tried as adults and may be flogged under the Criminal Law (Offences) Act (articles 11, 57, 59 and 223) and the Summary Jurisdiction (Offences) Act (articles 12, 72, 73, 138, 145, 147 and 166). The Whipping and Flogging Act (1922) allows for flogging up to 24 strokes, to be carried out in a prison where a medical official must be present (articles 3 and 4).

Penal system – disciplinary measure in penal institutions (partial prohibition): The provision in article 20 of the Training Schools Act (1907) for whipping as a disciplinary measure was repealed by the Training Schools (Amendment) Act (2010, article 2). However, persons aged 17 may be sent to prison where flogging is lawful under article 37 of the Prison Act (1957).

Alternative care settings (?partial prohibition): The Child Care and Development Services Act (2011) prohibits corporal punishment. We have yet to confirm to which forms of care the prohibition applies and that it overrides article 9 of the Criminal Law (Offences) Act and article 7 of the Summary Jurisdiction (Offences) Act.

Law reform under way

In 2010, the possibility of including prohibition in the Education Bill was under discussion, but it appears that no further progress has been made.

Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (2004);[18] Committee Against Torture (2006);[19] Human Rights Committee (2000)[20]

UPR (2010): Government neither accepted nor rejected recommendations to prohibit but drew attention to reforms in the penal system and defended corporal punishment in other settings.[21]

Law reform necessary to achieve prohibition in Guyana

Repeal of right "to administer reasonable and proper punishment" and provisions for judicial flogging (in Criminal Law (Offences) Act, Summary Jurisdiction (Offences) Act, Whipping and Flogging Act); explicit prohibition in the home, schools, penal system and alternative care settings.

18 26 February 2004, CRC/C/15/Add.224, Concluding observations on initial report, paras. 31 and 32

19 7 December 2006, CAT/C/GUY/CO/1, Concluding observations on initial report, para. 13

20 25 April 2000, CCPR/C/79/Add.121, Concluding observations on second report, para. 12

21 14 May 2010, A/HRC/WG.6/8/L.13, Report of the Working Group, paras. 70(36)-(42); 13 September 2010, A/HRC/15/14/Add.1, Report of the Working Group: Addendum, paras. 9, 53 and 54; 1 October 2010, A/HRC/15/L.10, Report of the Human Rights Council on its fifteenth session, para. 576

HAITI

Child population (0-17): 4,260,000 (UNICEF, 2010)

Current legality of corporal punishment

Home (?lawful): The legality is unclear. Articles 1 and 2 of the Law Against Corporal Punishment of Children (2001) state: "(1) The inhuman treatment of any nature comprising corporal punishment of a child is forbidden. (2) Inhuman treatment is defined by any action that causes a bodily or emotional shock to a child, such as hitting or pushing, or inflicting any punishment that causes damage to the child, using or without the intermediary of an object, weapon or abusive physical force" (unofficial translation). But the remainder of the law appears to apply to organisations, schools and other institutions. Some legal opinion considers that the prohibition applies to parental corporal punishment, but there is uncertainty among NGOs and we have been unable to identify any associated public education and awareness raising campaigns.

Schools (unlawful): Corporal punishment is prohibited under the 2001 law.

Penal system – sentence for crime (unlawful): Corporal punishment is not among permitted penalties in the Penal Code.

Penal system – disciplinary measure in penal institutions (unlawful): Corporal punishment is prohibited under the 2001 law.

Alternative care settings (unlawful): Corporal punishment is prohibited under the 2001 law.

Law reform necessary to achieve prohibition in Haiti

Explicit prohibition of corporal punishment in the home.

Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (2003)[22]

22 18 March 2003, CRC/C/15/Add.202, Concluding observations on initial report, paras. 3, 36 and 37

JAMAICA

Child population (0-17): 961,000 (UNICEF, 2010)

Current legality of corporal punishment

Home (lawful): The common law right to inflict "reasonable and moderate" punishment applies. The Child Care and Protection Act (2004) does not confirm this right, but provisions against violence and abuse in that Act and in the Offences Against the Person Act (1864), the Domestic Violence Act (1996) and the Constitution (1962) are not interpreted as prohibiting corporal punishment in childrearing.

Schools (partial prohibition): There is no provision for corporal punishment in the Education Act (1965) or in the Education Regulations (1980), but a teacher is justified in administering "moderate and reasonable" corporal punishment under common law (*Ryan v Fildes* [1983] 3 All E.R.517). The Government has stated its intention to abolish corporal punishment in schools and informed all public schools not to use it (Ministry of Education School Bulletin 94/08); it is prohibited in schools for children under the age of 6 (see below).

Penal system – sentence for crime (unlawful): Corporal punishment was ruled unconstitutional by the Jamaican Court of Appeal in December 1998 and there is no provision for it in the Criminal Justice (Reform) Act (1978), the Corrections Act (1985) and the Child Care and Protection Act. Provisions for corporal punishment in the Flogging Regulation Act (1903), the Crime (Prevention of) Act (1942) and the Obeah Act (1898) have yet to be repealed.

Penal system – disciplinary measure in penal institutions (unlawful): Corporal punishment is unlawful under article 62 of the Child Care and Protection Act, but provisions for it in the Flogging Regulation Act have yet to be repealed.

Alternative care settings (unlawful): Corporal punishment is prohibited in early childhood centres (schools for children under the age of 6) under the Act to Provide for the Regulation and Management of Early Childhood Institutions and for other Connected Matters (2005), and in children's homes in article 17 of the Child Care and Protection (Children's Homes) Regulations (No. 22 of 2005). It is prohibited in other institutions and forms of childcare (places of safety) in article 62 of the Child Care and Protection Act.

Law reform under way

Legislation is being drafted on safe schools and proposals have been made to include prohibition of corporal punishment. Two private members' bills were tabled in Parliament in October 2010 to repeal the Flogging Regulation Act (1903), the Crime (Prevention of) Act (1942) and provisions in the Obeah Act (1898) which provide for judicial corporal punishment but the Bills were withdrawn in June 2011.

Law reform necessary to achieve prohibition in Jamaica

Repeal of right to inflict "reasonable and moderate" punishment (common law); repeal of provisions authorising corporal punishment (in Flogging Regulation Act, Crime (Prevention of) Act, Obeah Act); explicit prohibition in the home, schools and the penal system.

Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (2003, 1995);[23] Committee on Economic, Social and Cultural Rights (2001);[24] Human Rights Committee (2011, 1997)[25]

UPR (2010): Government accepted recommendation to prohibit in detention centres.[26]

23 4 July 2003, CRC/C/15/Add.210, Concluding observations on second report, paras. 33, 48 and 49; 15 February 1995, CRC/C/15/Add.32, Concluding observations on initial report, para. 7

24 30 November 2001, E/C.12/1/Add.75, Concluding observations on second report, para.14

25 17 November 2011, CCPR/C/JAM/CO/3, Concluding observations on third report, para. 20; 19 November 1997, CCPR/C/79/Add.83, Concluding observations on second report, para. 15

26 12 November 2010, A/HRC/WG.6/9/L.12, Draft report of the Working Group, para. 99(10)

ST KITTS AND NEVIS

Child population (0-17): 17,000 (UNICEF, 2010)

Current legality of corporal punishment

Home (lawful): Parents have a right to inflict "reasonable chastisement" on their children under English common law. Provisions against violence and abuse in the Probation and Child Welfare Board Act (1994), the Juvenile Act and the Offences Against the Person Act (1861) are not interpreted as prohibiting corporal punishment in childrearing.

Schools (lawful): Corporal punishment is lawful under the Education Act (2005), the Corporal Punishment Act (1967) and the common law disciplinary power of teachers.

Penal system – sentence for crime (lawful): The Magistrate's Code of Procedure (1961) allows a magistrate to order the private whipping of a child (under 14) or young person (under 16) by a policeman, in the presence of certain officials and the child's parent or guardian (article 100). As enacted in England, the Offences Against the Person Act provides for whipping as a punishment for males under the age of sixteen (articles 15, 28, 30, 32 and 64). The Corporal Punishment Act (1967) and the Juvenile Act also apply, but we have no details of provisions.

Penal system – disciplinary measure in penal institutions (lawful): There is no explicit prohibition.

Alternative care settings (lawful): Corporal punishment is lawful under the common law right to inflict "reasonable chastisement".

Law reform necessary to achieve prohibition in St Kitts and Nevis

Repeal of the right to inflict "reasonable chastisement" (English common law); repeal of provisions authorising corporal punishment (in Education Act, Corporal Punishment Act, Magistrate's Code of Procedure and possibly Offences Against the Person Act and Juvenile Act); explicit prohibition in the home, schools, penal system and alternative care settings.

Law reform under way

As an OECS member state, St Kitts and Nevis will have received the draft Bills of the Family Law Reform Project for consideration (see page 26). We do not know if prohibition of corporal punishment has been proposed in the context of reviewing these Bills.

Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (1999)[27]

UPR (2011): Government neither accepted nor rejected recommendation to prohibit; stated that discipline is important in society and corporal punishment is regulated under the Education Act to ensure it does not cross the line into abuse.[28]

27 24 August 1999, CRC/C/15/Add.104, Concluding observations on initial report, paras. 20 and 32

28 15 March 2011, A/HRC/17/12, Report of the Working Group, para. 13

ST LUCIA

Child population (0-17): 55,000 (UNICEF, 2010)

Current legality of corporal punishment

Home (lawful): Article 5 of the Children and Young Persons Act (1972) confirms "the right of any parent, teacher or other person having the lawful control or charge of a child to administer reasonable punishment to him". Provisions against violence and abuse in that Act, the Domestic Violence Act (1995) and the Criminal Code (2005) are not interpreted as prohibiting corporal punishment in childrearing.

Schools (lawful): Article 50 of the Education Act (1999) prohibits "degrading or injurious punishment" but allows for corporal punishment "where no other punishment is considered suitable or effective".

Penal system – sentence for crime (unlawful): Corporal punishment is not a permitted sentence under the Criminal Code and the Children and Young Persons Act.

Penal system – disciplinary measure in penal institutions (lawful): In the Boys Training Centre, boys may be given "not more than 2 strokes with the cane on each hand" (Statutory Rules and Orders No. 23, 1976, article 13). The Prison Rules and Orders (1964) also provide for the administration of corporal punishment (article 54). There is no provision for corporal punishment in the Correctional Services Act (2003) and the Correctional Services Code of Conduct Regulations (2005).

Alternative care settings (lawful): The right to administer "reasonable punishment" in the Children and Young Persons Act (see above) applies. The Boys Training Centre houses boys in need of care and protection, as well as those in conflict with the law and the use of the cane is permitted (see above).

Law reform under way

As an OECS member state, St Lucia will have received the draft Bills of the Family Law Reform Project for consideration (see page 26). We do not know if prohibition of corporal punishment has been proposed in the context of reviewing these Bills.

Law reform necessary to achieve prohibition in St Lucia

Repeal of the right "to administer reasonable punishment" (in Children and Young Persons Act); repeal of provisions authorising corporal punishment (in Education Act, Statutory Rules and Orders No. 23, Prison Rules and Orders); explicit prohibition in the home, schools, penal institutions and alternative care settings.

Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (2005)[29]

UPR (2011): Government stated that corporal punishment is part of the culture: public awareness raising on the issue would continue together with efforts to phase out its use in schools but recommendations to prohibit were rejected.[30]

29 21 September 2005, CRC/C/15/Add.258, Concluding observations on initial report, paras. 9, 34 and 35

30 12 November 2010, A/HRC/WG.6/10/LCA/1, National report, para. 121; 11 March 2011, A/HRC/17/6, Report of the Working Group, paras. 89(30), 89(81), 89(82), 89(83) and 89(84); 1 June 2011, A/HRC/17/6/Add.1, Report of the Working Group: Addendum

ST VINCENT AND THE GRENADINES

Child population (0-17): 35,000 (UNICEF, 2010)

Current legality of corporal punishment

Home (lawful): Article 8 of the Juveniles Act confirms the right of the parent, teacher or other person having control of the child to administer "reasonable" punishment. Provisions against violence and abuse in the Criminal Code (1988), the Domestic Violence (Summary Proceedings) Act (1995) and the Constitution (1979) are not interpreted as prohibiting corporal punishment in childrearing.

Schools (lawful): Corporal punishment is lawful in schools under article 8 of the Juveniles Act (see above) and article 53 of the Education Act 2005, which allows for it to be administered by the principal, deputy principal or a specially designated teacher, in a private room, using an instrument prescribed by regulations; only females may inflict corporal punishment on girls.

Penal system – sentence for crime (lawful): The Corporal Punishment of Juveniles Act permits a male juvenile (under 16) convicted of a crime to be caned up to 12 strokes on the buttocks using a light rod. We have no information on judicial corporal punishment for 16-17 year olds. Corporal punishment may be carried out only after medical examination and under the supervision of a prison official.

Penal system – disciplinary measure in penal institutions (lawful): The Juveniles Act and the Juveniles (Approved Schools) Rules allow corporal punishment to be administered on boys within approved schools.

Alternative care settings (lawful): Corporal punishment of boys is permitted and regulated in approved schools under the Juveniles Act and the Juveniles (Approved Schools) Rules. Article 8 of the Juveniles Act applies (see above).

Law reform under way

As an OECS member state, St Vincent and the Grenadines will have received the draft Bills of the Family Law Reform Project for consideration (see page 26). We do not know if prohibition of corporal punishment has been proposed in the context of reviewing these Bills.

Law reform necessary to achieve prohibition in St Vincent and the Grenadines

Repeal of the right to administer "reasonable" punishment (in Juveniles Act); repeal of provisions authorising corporal punishment (in Education Act, Education Regulations, Corporal Punishment of Juveniles Act, Juveniles Act, Juveniles (Approved Schools) Rules); explicit prohibition in the home, schools, penal system and alternative care settings.

Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (2002);[31] Human Rights Committee (2008)[32]

UPR (2011): Government rejected recommendations to prohibit corporal punishment.[33]

31 13 June 2002, CRC/C/15/Add.184, Concluding observations on initial report, paras. 28, 29, 52 and 53

32 24 April 2008, CCPR/C/VCT/CO/2, Concluding observations in the absence of a report, para. 11

33 11 July 2011, A/HRC/18/15, Report of the Working Group, para. 79

SURINAME

Child population (0-17): 176,000 (UNICEF, 2010)

Current legality of corporal punishment

Home (lawful): There is no defence for the use of corporal punishment enshrined in law, but provisions against violence and abuse in the Code of Criminal Law, the Act on Domestic Violence and the Constitution are not interpreted as prohibiting all corporal punishment in childrearing.

Schools (lawful): Ministerial directives advise against using corporal punishment but there is no prohibition in law.

Penal system – sentence for crime (unlawful): Corporal punishment is not among the permitted sanctions in the Criminal Code.

Penal system – disciplinary measure in penal institutions (unlawful): Corporal punishment is not among permitted measures in the internal regulations governing the penal institution, but there is no explicit prohibition.

Alternative care settings (lawful): There is no explicit prohibition.

Law reform under way

In 2011, regulations which would prohibit corporal punishment in day care were being discussed.

Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (2007, 2000)[34]

UPR (2011): Government accepted the recommendation to prohibit in schools but rejected recommendations to prohibit in the home and other settings.[35]

Law reform necessary to achieve prohibition in Suriname

Explicit prohibition of corporal punishment in the home, schools, penal institutions and alternative care settings.

34 18 June 2007, CRC/C/SUR/CO/2, Concluding observations on second report, paras. 36 and 37; 28 June 2000, CRC/C/15/Add.130, Concluding observations on initial report, paras. 41 and 42

35 11 July 2011, A/HRC/18/12, Report of the Working Group, para. 72; 13 September 2011, A/HRC/18/12/Add.1, Report of the Working Group: Addendum, para. 13

TRINIDAD AND TOBAGO

Child population (0-17): 336,000 (UNICEF, 2010)

Current legality of corporal punishment

Home (lawful): Article 22 of the Children Act (1925) confirms "the right of any parent, teacher, or other person having the lawful control or charge of a child or young person to administer reasonable punishment to such child or young person". Provisions against violence and assault in this Act, the Domestic Violence Act (1999), the Summary Offences Act (1921) and the Offences Against the Person Act (1925) are not interpreted as prohibiting corporal punishment in childrearing.

Schools (lawful): Corporal punishment of children is lawful under article 22 of the Children Act (see above). The National School Code of Conduct (2009) of the Ministry of Education states that corporal punishment should not be used, but this is not law. Corporal punishment is prohibited in the Children (Amendment) Act 2000, but this has not come into force.

Penal system – sentence for crime (lawful): Law reform has not yet completely abolished corporal punishment as a sentence for crime. The Miscellaneous Provisions (Children) Act (2000) prohibited corporal punishment as a sentence for persons under 18 by repealing the Corporal Punishment (Offenders Not Over Sixteen) Act and amending the Corporal Punishment (Offenders Over Sixteen) Act to apply to offenders over the age of 18. However, it did not repeal other laws which allow under 18s to be sentenced to corporal punishment. Article 83(g) of the Children Act provides for a child or young person found guilty of an offence to be ordered to be whipped: this provision is repealed in the Children (Amendment) Act 2000 (article 24), but this Act is not in force.

Penal system – disciplinary measure in penal institutions (lawful): The Young Offenders (Male) Detention Regulations, pursuant to the Young Offenders Detention Act (1926), authorise corporal punishment with a rod to be ordered in detention institutions by the Inspector, Commissioner or Assistant Commissioner of Prisons (article 64 and the Third Schedule), up to 18 strokes, 14 strokes and 9 strokes respectively. Corporal punishment is lawful in other penal institutions under article 22 of the Children Act (see above).

Alternative care settings (lawful): Corporal punishment is lawful under article 22 of the Children Act (see above).

Law reform under way

A Children Bill is under discussion which would prohibit corporal punishment by all persons except parents/guardians, stating in article 4 (prevention of cruelty to children): "(6) Nothing in this section shall be construed as affecting the right of any parent, teacher or other person having the lawful control or charge of a child to administer reasonable punishment to such child. (7) Reasonable punishment referred to in subsection (6), in relation to any person other than a parent or guardian, shall not include corporal punishment." The Bill had its second reading in Parliament in March 2012.

Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (2006, 1997);[36] Committee on Economic, Social and Cultural Rights (2002);[37] Human Rights Committee (2000)[38]

UPR (2011): Government rejected recommendations to prohibit, stating this is the subject of national debate.[39]

Law reform necessary to achieve prohibition in Trinidad and Tobago

Repeal of the right to administer "reasonable punishment" (in Children Act); repeal of provisions authorising corporal punishment (in Children Act, Young Offenders (Male) Detention Regulations); explicit prohibition in the home, schools, penal system and alternative care settings.

36 17 March 2006, CRC/C/TTO/CO/2, Concluding observations on second report, paras. 8, 9, 39, 40 and 47; 10 October 1997, CRC/C/15/Add.82, Concluding observations on initial report, paras. 17, 23, 32 and 39

37 5 June 2002, E/C.12/1/Add.80, Concluding observations to the second report, paras. 29 and 52

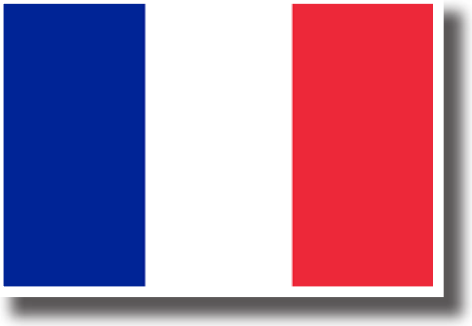
38 3 November 2000, CCPR/CO/70/TTO, Concluding observations on third/fourth report, para. 13

39 14 December 2011, A/HRC/19/7, Report of the Working Group, paras. 88(3), 88(40), 88(41), 88(42), 88(43) and 88(44)

Country Reports: Overseas territories etc

(Overseas Department of France)

GUADELOUPE



Child population (0-19): 143,601 (Government of France, 2006)

Current legality of corporal punishment

Note: Under article 73 of the French Constitution (1958), the national laws and regulations of France apply fully and automatically in the Overseas Departments, which may make regulations only in very limited areas.

Home (lawful): There is a "right of correction" in customary law. Provisions against violence and abuse in the Criminal Code (1994), the Civil Code, Act No. 2007-293 (2007) reforming child welfare and Act No. 2006-399 (2006) concerning domestic violence and violence against children are not interpreted as prohibiting all corporal punishment in childrearing.

Schools (lawful): There is no explicit prohibition in law of corporal punishment in schools and "light correction" is tolerated in the same way as it is for parents. Under French law, an 1889 High Court ruling allowed a "right to correction" for teachers. A 2000 ruling stated that this did not apply to habitual and non-educational corporal punishment. According to the French Government, judicial decisions have acknowledged the "right of correction" by parents, teachers and educators, laying down the conditions that it must be (i) harmless, (ii) of moderate intensity (slaps, clothes seized, ears and hair pulled) and (iii) aimed at maintaining school order and discipline.[40] In France, ministerial directives advise against corporal punishment in schools but these do not amount to prohibition in law.

Penal system – sentence for crime (unlawful): Corporal punishment is unlawful as a sentence for crime: there is no provision for it in criminal law.

Penal system – disciplinary measure in penal institutions (unlawful): Corporal punishment is considered unlawful but there is no explicit prohibition in legislation. The Code of Criminal Procedure (1994) provides for respect for human dignity (article D.189) and prohibits violence towards detainees (article D.220); a decree of 4 April 1996 and its implementing circular of 12 April 1996 prohibit cruel, inhuman or degrading punishment.

Alternative care settings (lawful): The customary "right of correction" applies, and in 2003 the Supreme Court confirmed that nannies and babysitters have this right.

Law reform necessary to achieve prohibition in Guadeloupe

Repeal of "right of correction" (customary law); explicit prohibition of corporal punishment in the home, schools, penal institutions and alternative care settings.

Law reform under way

In November 2010, a bill to abolish all forms of physical and psychological violence against children (Bill No. 1971), intended to prohibit all corporal punishment in childrearing, was filed in the National Assembly of France. If passed, this would apply in Guadeloupe.

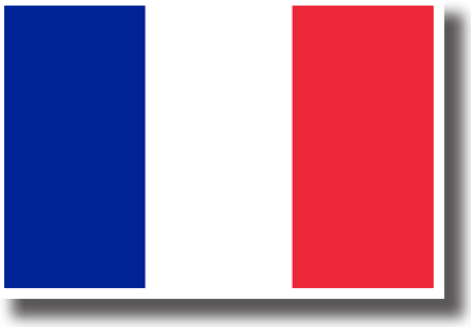
Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (2009, 2004, 1994);[41] European Committee of Social Rights (2011, 2005, 2003, 2001)[42]

40 16 December 2010, RAP/RCha/FR/X(2010), National report to the European Committee of Social Rights, pp. 54-55

41 11 June 2009, CRC/C/FRA/CO/4 Advance Unedited Version, Concluding observations on third/fourth report of France, paras. 6, 57 and 58; 30 June 2004, CRC/C/15/Add.240, Concluding observations on second report of France, paras. 38 and 39; 25 April 1994, CRC/C/15/Add.20, Concluding observations on initial report of France, para. 24

42 January 2012, Conclusions 2011; March 2005, Conclusions 2005; 1 October 2003, Conclusions 2003 vol. 1, p. 173; 1 January 2001, Conclusions XV-2 vol. 1, pp. 220-225



(Overseas Department of France)

MARTINIQUE

Child population (0-19): 98,789 (Government of France, 1999)

Current legality of corporal punishment

Note: Under article 73 of the French Constitution (1958), the national laws and regulations of France apply fully and automatically in the Overseas Departments, which may make regulations only in very limited areas.

Home (lawful): There is a "right of correction" in customary law. Provisions against violence and abuse in the Criminal Code (1994), the Civil Code, Act No. 2007-293 (2007) reforming child welfare and Act No. 2006-399 (2006) concerning domestic violence and violence against children are not interpreted as prohibiting all corporal punishment in childrearing.

Schools (lawful): There is no explicit prohibition in law of corporal punishment in schools and "light correction" is tolerated in the same way as it is for parents. Under French law, an 1889 High Court ruling allowed a "right to correction" for teachers. A 2000 ruling stated that this did not apply to habitual and non-educational corporal punishment. According to the French Government, judicial decisions have acknowledged the "right of correction" by parents, teachers and educators, laying down the conditions that it must be (i) harmless, (ii) of moderate intensity (slaps, clothes seized, ears and hair pulled) and (iii) aimed at maintaining school order and discipline.[43] In France, ministerial directives advise against corporal punishment in schools but these do not amount to prohibition in law.

Penal system – sentence for crime (unlawful): There is no provision for judicial corporal punishment in criminal law.

Penal system – disciplinary measure in penal institutions (unlawful): Corporal punishment is considered unlawful, but there is no explicit prohibition in legislation. The Code of Criminal Procedure (1994) provides for respect for human dignity (article D.189) and prohibits violence towards detainees (article D.220). A decree of 4 April 1996 and its implementing circular of 12 April 1996 prohibit cruel, inhuman or degrading punishment.

Law reform necessary to achieve prohibition in Martinique

Repeal of "right of correction" (customary law); explicit prohibition of corporal punishment in the home, schools, penal institutions and alternative care settings.

Alternative care settings (lawful): Corporal punishment is lawful under the customary "right of correction"; in 2003 the Supreme Court confirmed that nannies and babysitters have this right.

Law reform under way

In November 2010, a bill to abolish all forms of physical and psychological violence against children (Bill No. 1971), intended to prohibit all corporal punishment in childrearing, was filed in the National Assembly of France. If passed, this would apply in Martinique.

Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (2009, 2004, 1994);[44] European Committee of Social Rights (2011, 2005, 2003, 2001)[45]

43 16 December 2010, RAP/RCha/FR/X(2010), National report to the European Committee of Social Rights, pp. 54-55

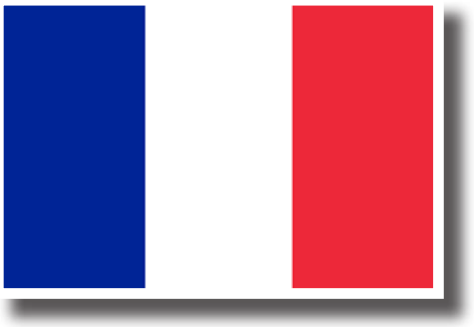
44 January 2012, Conclusions 2011; March 2005, Conclusions 2005; 1 October 2003, Conclusions 2003 vol. 1, p. 173; 1 January 2001, Conclusions XV-2 vol. 1, pp. 220-225

45 11 June 2009, CRC/C/FRA/CO/4 Advance Unedited Version, Concluding observations on third/fourth report of France, paras. 6, 57 and 58; 30 June 2004, CRC/C/15/Add.240, Concluding observations on second report of France, paras. 38 and 39; 25 April 1994, CRC/C/15/Add.20, Concluding observations on initial report of France, para. 24

(Overseas Collectivity of France)

ST BARTHELEMY

Child population (0-14): 1,387 (CIA World Factbook, 2011 est.)



Current legality of corporal punishment

Note: Under article 74 of the French Constitution (1958), the status of the Overseas Collectivities is determined by an Institutional Act which specifies, among other things, the conditions in which French statutes and regulations apply. The Institutional Act of St Barthelemy provides for the automatic application of French law except with regard to taxes and immigration.

Home (lawful): There is a "right of correction" in customary law. Provisions against violence and abuse in the Criminal Code (1994), the Civil Code, Act No. 2007-293 (2007) reforming child welfare and Act No. 2006-399 (2006) concerning domestic violence and violence against children are not interpreted as prohibiting all corporal punishment in childrearing.

Schools (lawful): There is no explicit prohibition in law of corporal punishment in schools and "light correction" is tolerated in the same way as it is for parents. Under French law, an 1889 High Court ruling allowed a "right to correction" for teachers. A 2000 ruling stated that this did not apply to habitual and non-educational corporal punishment. According to the national report to the European Committee of Social Rights in 2010, some judicial decisions have acknowledged the "right of correction" by parents, teachers and educators, laying down the conditions that it must be (i) harmless, (ii) of moderate intensity (slaps, clothes seized, ears and hair pulled) and (iii) aimed at maintaining school order and discipline.[46] In France, ministerial directives advise against corporal punishment in schools but these do not amount to prohibition in law.

Penal system – sentence for crime (unlawful): There is no provision for judicial corporal punishment in criminal law.

Penal system – disciplinary measure in penal institutions (unlawful): Corporal punishment is considered unlawful, but there is no explicit prohibition in legislation. The Code of Criminal Procedure (1994) provides for respect for human dignity (article D.189) and prohibits violence towards detainees (article D.220). A decree of 4 April 1996 and its implementing circular of 12 April 1996 prohibit cruel, inhuman or degrading punishment.

Alternative care settings (lawful): Corporal punishment is lawful under the customary "right of correction"; in 2003 the Supreme Court confirmed that nannies and babysitters have this right.

Law reform necessary to achieve prohibition in St Barthelemy

Repeal of the "right of correction" in customary law; explicit prohibition of corporal punishment in the home, schools, penal institutions and alternative care settings.

Law reform under way

In November 2010, a bill to abolish all forms of physical and psychological violence against children (Bill No. 1971), intended to prohibit all corporal punishment in childrearing, was filed in the National Assembly of France. If passed, this would apply in St Barthelemy.

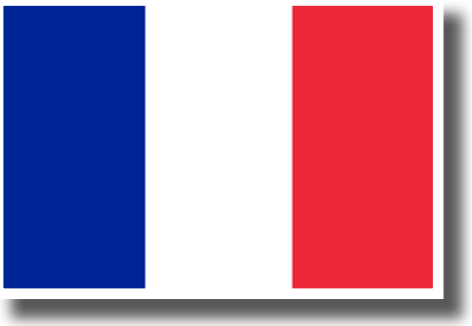
Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (2009, 2004, 1994);[47] European Committee of Social Rights (2011, 2005, 2003, 2001)[48]

46 16 December 2010, RAP/RCha/FR/X(2010), National report to the European Committee of Social Rights, pp. 54-55

47 11 June 2009, CRC/C/FRA/CO/4 Advance Unedited Version, Concluding observations on third/fourth report of France, paras. 6, 57 and 58; 30 June 2004, CRC/C/15/Add.240, Concluding observations on second report of France, paras. 38 and 39; 25 April 1994, CRC/C/15/Add.20, Concluding observations on initial report of France, para. 24

48 January 2012, Conclusions 2011; March 2005, Conclusions 2005; 1 October 2003, Conclusions 2003 vol. 1, p. 173; 1 January 2001, Conclusions XV-2 vol. 1, pp. 220-225



(Overseas Collectivity of France)

ST MARTIN

Child population (0-14): 8,225 (CIA World Factbook, 2011 est.)

Current legality of corporal punishment

Note: Under article 74 of the French Constitution (1958) the status of the Overseas Collectivities is determined by an Institutional Act which specifies, among other things, the conditions in which French statutes and regulations apply. To our knowledge, the laws of France apply in relation to corporal punishment of children in St Martin (information unconfirmed).

Home (lawful): There is a "right of correction" in customary law. Provisions against violence and abuse in the Criminal Code (1994), the Civil Code, Act No. 2007-293 (2007) reforming child welfare and Act No. 2006-399 (2006) concerning domestic violence and violence against children are not interpreted as prohibiting all corporal punishment in childrearing.

Schools (lawful): There is no explicit prohibition in law of corporal punishment in schools and "light correction" is tolerated in the same way as it is for parents. Under French law, an 1889 High Court ruling allowed a "right to correction" for teachers. A 2000 ruling stated that this did not apply to habitual and non-educational corporal punishment. According to the national report to the European Committee of Social Rights in 2010, some judicial decisions have acknowledged the "right of correction" by parents, teachers and educators, laying down the conditions that it must be (i) harmless, (ii) of moderate intensity (slaps, clothes seized, ears and hair pulled) and (iii) aimed at maintaining school order and discipline.[49] In France, ministerial directives advise against corporal punishment in schools but these do not amount to prohibition in law.

Penal system – sentence for crime (unlawful): There is no provision for judicial corporal punishment in criminal law.

Penal system – disciplinary measure in penal institutions (unlawful): Corporal punishment is considered unlawful, but there is no explicit prohibition in legislation. The Code of Criminal Procedure (1994) provides for respect for human dignity (article D.189) and prohibits violence towards detainees (article D.220). A decree of 4 April 1996 and its implementing circular of 12 April 1996 prohibit cruel, inhuman or degrading punishment.

Alternative care settings (lawful): Corporal punishment is lawful under the customary "right of correction"; in 2003 the Supreme Court confirmed that nannies and babysitters have this right.

Law reform under way

In November 2010, a bill to abolish all forms of physical and psychological violence against children (Bill No. 1971), intended to prohibit all corporal punishment in childrearing, was filed in the National Assembly of France. If passed, this would apply in St Martin (information unconfirmed).

Law reform necessary to achieve prohibition in St Martin

Repeal of the "right of correction" (customary law); explicit prohibition of corporal punishment in the home, schools, penal institutions and alternative care settings.

Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (2009, 2004, 1994);[50] European Committee of Social Rights (2011, 2005, 2003, 2001)[51]

49 16 December 2010, RAP/RCha/FR/X(2010), National report to the European Committee of Social Rights, pp. 54-55

50 11 June 2009, CRC/C/FRA/CO/4 Advance Unedited Version, Concluding observations on third/fourth report of France, paras. 6, 57 and 58; 30 June 2004, CRC/C/15/Add.240, Concluding observations on second report of France, paras. 38 and 39; 25 April 1994, CRC/C/15/Add.20, Concluding observations on initial report of France, para. 24

51 January 2012, Conclusions 2011; March 2005, Conclusions 2005; 1 October 2003, Conclusions 2003 vol. 1, p. 173; 1 January 2001, Conclusions XV-2 vol. 1, pp. 220-225

(Country within the Kingdom of the Netherlands)

ARUBA

Child population (0-17): 27,376 (Government of Aruba, 2006)

Current legality of corporal punishment

Home (lawful): Article 1:247 of the Aruba Civil Code (2001) states that those with parental authority have "the duty and right to care for and educate the minor child" but it does not prohibit all forms of corporal punishment. The Government has stated that the Aruban Criminal Code (1991, amended 2006) prohibits corporal punishment in all settings in articles 313, 314, 314a, 314b, 315, 316, 317, 317a and 318.[52] However, these articles punish abuse and mistreatment, with increased penalties if the victim is the perpetrator's child: they do not explicitly prohibit all corporal punishment in the home or any other setting.

Schools (lawful): There is no explicit prohibition of corporal punishment.

Penal system – sentence for crime (unlawful): Corporal punishment is not a permitted sa de or the Code of Criminal Procedure.

Penal system – disciplinary measure in penal institutions (?lawful): There appears to be it is possibly included in the National Custodial Institutions Ordinance (Official Bulletin 2005

Alternative care settings (lawful): There appears to be no explicit prohibition. In 2008, legi introduced on quality standards for childcare centres but we have no further information.[53]

Law reform under way

The Civil Code is being revised. As at January 2012, proposed revisions to the Civil Code did not include prohibition. In 2009, the Government stated it had "no plans for the prohibition in the foreseeable future of corporal punishment in Aruba", but it also reported that while NGO efforts to advocate for prohibition in the Crimi about other opportunities for adopting prohibition.[54]

Law reform necessary to achieve prohibition in Aruba

Explicit prohibition of corporal punishment in the home, schools, penal institutions and alternative care settings.

Human rights jurisprudence on corporal punis

Treaty body recommendations/observations: Committee on the Rights of th Economic, Social and Cultural Rights (2010)[56]

52 Sixth report to the Committee Against Torture, as received on 3 January 2012, para. 36

53 23 July 2008, CRC/C/NLD/3, Third report of the Netherlands to the Committee on the Rights of the Child

54 23 January 2009, CRC/C/SR.1377, Summary record of examination by the Committee on the Rights of the Child, paras. 79 and 80

55 27 March 2009, CRC/C/NLD/CO/3, Concluding observations on the third report of the Netherlands, paras. 36 and 37; 26 February 2004, CRC/C/15/Add.227, Concluding observations on initial report of Aruba and second report of Netherlands, paras. 43 and 44

56 19 November 2010, E/C.12/NDL/CO/4-5 Advance Unedited Version, Concluding observations on fourth/fifth report, para. 22

(Special Municipality in the Netherlands)

BONAIRE

Child population (0-15): 2,950 (Central Bureau of Statistics, 2011)

Current legality of corporal punishment

Note: Bonaire became a Special Municipality in the Netherlands in 2010. Previously part of the Netherlands Antilles, the legislation of the Netherlands Antilles applies until the laws of the Netherlands are adopted.

Home (lawful): The new Civil Code of the Netherlands Antilles replaced the term "parental authority" with "parental responsibility", but did not prohibit corporal punishment. Article 247 states: "Parental responsibility encompasses the duty and the right of the parent to care for and raise his or her child. The terms 'care for' and 'raise' include care and responsibility for the psychological and physical well-being of the child and efforts to promote the development of his or her personality" (unofficial translation). Legal provisions against violence and abuse are not interpreted as prohibiting all corporal punishment in childrearing.

Schools (?lawful): Corporal punishment is discouraged by policy but there appears to be no explicit prohibition in law.

Penal system – sentence for crime (unlawful): There is no provision for judicial corporal punishment in criminal law.

Penal system – disciplinary measure in penal institutions (unlawful): Corporal punishment is considered unlawful, but there is no explicit prohibition under Netherlands Antilles law.

Alternative care settings (lawful): There is no explicit prohibition in law.

Law reform under way

The laws of the Netherlands are gradually being adopted. The Civil Code of the Netherlands was amended in 2007 to prohibit all corporal punishment; adopting the Code in Bonaire would result in prohibition being achieved.

Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (2009, 2002)[57]

Law reform necessary to achieve prohibition in Bonaire

Explicit prohibition of corporal punishment in the home, schools, penal institutions and alternative care settings.

57 27 March 2009, CRC/C/NLD/CO/3, Concluding observations on the third report of the Netherlands, paras. 36 and 37; 7 June 2002, CRC/C/15/Add.186, Concluding observations on initial report, paras. 36 and 37

(Country within the Kingdom of the Netherlands)

CURAÇAO

Child population (0-19): 41,045 (Central Bureau of Statistics, Curaçao, 2011)

Current legality of corporal punishment

Note: Curaçao became a country in the Kingdom of the Netherlands in 2010. Formerly part of the Netherlands Antilles, the laws of the Netherlands Antilles apply until new legislation is enacted by the Curaçao parliament.

Home (lawful): The new Civil Code of the Netherlands Antilles replaced the term "parental authority" with "parental responsibility", but did not prohibit corporal punishment. Article 247 states: "Parental responsibility encompasses the duty and the right of the parent to care for and raise his or her child. The terms 'care for' and 'raise' include care and responsibility for the psychological and physical well-being of the child and efforts to promote the development of his or her personality" (unofficial translation). Provisions in the Civil Code, the Criminal Code and the Constitution of Curaçao are not interpreted as prohibiting all corporal punishment in childrearing.

Schools (?lawful): Corporal punishment is discouraged by policy but there appears to be no explicit prohibition in law.

Penal system – sentence for crime (unlawful): There is no provision for judicial corporal punishment in criminal law.

Penal system – disciplinary measure in penal institutions (unlawful): Corporal punishment is considered unlawful, but there is no explicit prohibition under Netherlands Antilles law.

Alternative care settings (lawful): There is no explicit prohibition in law.

Law reform under way

The Civil Code has been under extensive revision, but current proposed amendments appear not to include prohibition of corporal punishment (information unconfirmed). A new Penal Code is under discussion.

Law reform necessary to achieve prohibition in Curaçao

Explicit prohibition of corporal punishment in the home, schools, penal institutions and alternative care settings.

Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (2009, 2002)[58]

58 27 March 2009, CRC/C/NLD/CO/3, Concluding observations on the third report of the Netherlands, paras. 36 and 37; 7 June 2002, CRC/C/15/Add.186, Concluding observations on initial report, paras. 36 and 37

(Special Municipality in the Netherlands)

SABA

Child population (0-15): 279 (Central Bureau of Statistics, 2011)

Current legality of corporal punishment

Note: Saba became a Special Municipality in the Netherlands in 2010. Previously part of the Netherlands Antilles, the legislation of the Netherlands Antilles applies until the laws of the Netherlands are adopted.

Home (lawful): The new Civil Code of the Netherlands Antilles replaced the term "parental authority" with "parental responsibility", but did not prohibit corporal punishment. Article 247 states: "Parental responsibility encompasses the duty and the right of the parent to care for and raise his or her child. The terms 'care for' and 'raise' include care and responsibility for the psychological and physical well-being of the child and efforts to promote the development of his or her personality" (unofficial translation). Legal provisions against violence and abuse are not interpreted as prohibiting all corporal punishment in childrearing.

Schools (?lawful): Corporal punishment is discouraged as a matter of policy but there appears to be no explicit prohibition in Netherlands Antilles law.

Penal system – sentence for crime (unlawful): There is no provision for judicial corporal punishment in criminal law.

Penal system – disciplinary measure in penal institutions (unlawful): Corporal punishment is considered unlawful, but there is no explicit prohibition under Netherlands Antilles law.

Alternative care settings (lawful): There is no explicit prohibition under Netherlands Antilles law.

Law reform under way

The laws of the Netherlands are gradually being adopted. The Civil Code of the Netherlands was amended in 2007 to prohibit all corporal punishment; adopting the Code in Saba would result in prohibition being achieved.

Law reform necessary to achieve prohibition in Saba

Explicit prohibition of corporal punishment in the home, schools, penal institutions and alternative care settings.

Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (2009, 2002)[59]

59 27 March 2009, CRC/C/NLD/CO/3, Concluding observations on the third report of the Netherlands, paras. 36 and 37; 7 June 2002, CRC/C/15/Add.186, Concluding observations on initial report, paras. 36 and 37

(Special Municipality in the Netherlands)

ST EUSTATIUS

Child population (0-15): 683 (Central Bureau of Statistics, 2011)

Current legality of corporal punishment

Note: St Eustatius became a Special Municipality in the Netherlands in 2010. Previously part of the Netherlands Antilles, the legislation of the Netherlands Antilles applies until the laws of the Netherlands are adopted.

Home (lawful): The new Civil Code of the Netherlands Antilles replaced the term "parental authority" with "parental responsibility", but did not prohibit corporal punishment. Article 247 states: "Parental responsibility encompasses the duty and the right of the parent to care for and raise his or her child. The terms 'care for' and 'raise' include care and responsibility for the psychological and physical well-being of the child and efforts to promote the development of his or her personality" (unofficial translation). Legal provisions against violence and abuse are not interpreted as prohibiting all corporal punishment in childrearing.

Schools (?lawful): Corporal punishment is discouraged as a matter of policy but there appears to be no explicit prohibition in Netherlands Antilles law.

Penal system – sentence for crime (unlawful): There is no provision for judicial corporal punishment in criminal law.

Penal system – disciplinary measure in penal institutions (unlawful): Corporal punishment is considered unlawful, but there is no explicit prohibition under Netherlands Antilles law.

Alternative care settings (lawful): There is no explicit prohibition under Netherlands Antilles law.

Law reform under way

The laws of the Netherlands are gradually being adopted. The Civil Code of the Netherlands was amended in 2007 to prohibit all corporal punishment; adopting the Code in St Eustatius would result in prohibition being achieved.

Law reform necessary to achieve prohibition in St Eustatius

Explicit prohibition of corporal punishment in the home, schools, penal institutions and alternative care settings.

Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (2009, 2002)[60]

60 27 March 2009, CRC/C/NLD/CO/3, Concluding observations on the third report of the Netherlands, paras. 36 and 37; 7 June 2002, CRC/C/15/Add.186, Concluding observations on initial report, paras. 36 and 37

(Country within the Kingdom of the Netherlands)

ST MAARTEN

Child population (0-19): 11,529 (Department of Statistics, St Maarten, 2010)

Current legality of corporal punishment

Note: St Maarten became a country in the Kingdom of the Netherlands in 2010. Formerly part of the Netherlands Antilles, the laws of the Netherlands Antilles apply until new legislation is enacted by the St Maarten parliament.

Home (lawful): The new Civil Code of the Netherlands Antilles replaced the term "parental authority" with "parental responsibility", but did not prohibit corporal punishment. Article 247 states: "(1) Parental responsibility encompasses the duty and the right of the parent to care for and raise his or her child. (2) The terms 'care for' and 'raise' include care and responsibility for the psychological and physical well-being of the child and efforts to promote the development of his or her personality" (unofficial translation). Provisions in the Civil Code, the Criminal Code and the Constitution of St Maarten (2010) are not interpreted as prohibiting all corporal punishment in childrearing.

Schools (?lawful): Corporal punishment is discouraged as a matter of policy but there appears to be no explicit prohibition in Netherlands Antilles law.

Penal system – sentence for crime (unlawful): There is no provision for judicial corporal punishment in criminal law.

Penal system – disciplinary measure in penal institutions (unlawful): Corporal punishment is considered unlawful, but there is no explicit prohibition.

Alternative care settings (lawful): There is no explicit prohibition.

Law reform under way

As at February 2012, draft legislation was under discussion which would prohibit corporal punishment by parents and others with parental authority. The Joint Custody Bill, following the Civil Code in the Netherlands, would add the following clause to article 247(2) of the Netherlands Antilles Civil Code to state: "In the care and upbringing of the child the parents will not use emotional or physical violence or any other humiliating treatment." A new Criminal Code is also under discussion.

Law reform necessary to achieve prohibition in St Maarten

Explicit prohibition of corporal punishment in the home, schools, penal institutions and alternative care settings.

Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (2009, 2002)[61]

61 27 March 2009, CRC/C/NLD/CO/3, Concluding observations on the third report of the Netherlands, paras. 36 and 37; 7 June 2002, CRC/C/15/Add.186, Concluding observations on initial report, paras. 36 and 37

(British Overseas Territory)

ANGUILLA

Child population (0-14): 3,625 (CIA World Factbook, 2011 est.)

Current legality of corporal punishment

Home (lawful): The English common law right to administer "reasonable chastisement" applies. Provisions against violence and abuse in the Juvenile Act, the Criminal Code (2000), the Offences Against the Person Act, the Maintenance of Children Ordinance and the Constitution (1982) are not interpreted as prohibiting all corporal punishment in childrearing.

Schools (lawful): Article 74 of the Education Act states that degrading and injurious punishment must not be administered but corporal punishment may be inflicted by the Principal, or a teacher appointed for the purpose by the Principal, in conformity with guidelines issued by the Chief Education Officer.

Penal system – sentence for crime (unlawful): Corporal punishment is prohibited in the Abolition of Corporal Punishment Ordinance (1998) and in article 363 of the Criminal Code (2000).

Penal system – disciplinary measure in penal institutions (unlawful): The Prison Regulations (2001) limit the amount of force used by a prison officer to what is considered "necessary" (article 27) and do not include corporal punishment in the list of punishments for disciplinary offences (article 33), but there is no explicit prohibition of corporal punishment.

Alternative care settings (lawful): There is no explicit prohibition and the common law right to impose "reasonable chastisement" applies.

Law reform under way

In 2011 an Education Bill was under discussion. The original Bill did not make provision for corporal punishment but this decision was reversed following debate and as at September 2011 the Bill as expected to be put before the House of Assembly authorised the use of corporal punishment in schools.

Law reform necessary to achieve prohibition in Anguilla

Repeal of right to administer "reasonable chastisement" (common law); repeal of provisions authorising corporal punishment (in Education Act); explicit prohibition of corporal punishment in the home, schools, penal institutions and alternative care settings.

Human rights jurisprudence on corporal punishment

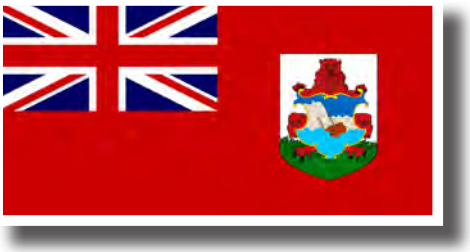
Treaty body recommendations/observations: Committee on the Rights of the Child (2008, 2000);[62] Committee Against Torture (1998, 1996, 1993)[63]

UPR (2008): UK Government stated it will continue to work in partnership with governments of the Overseas Territories, encouraging them to enact legislation to protect children.[64]

62 20 October 2008, CRC/C/GBR/CO/4, Concluding observations on third/fourth report, paras. 40, 41 and 42; 16 October 2000, CRC/C/15/Add.135, Concluding observations on initial report on Overseas Territories and Crown Dependencies, paras. 35, 36, 55 and 57

63 17 November 1998, A/54/44, Concluding observations on third report, para. 74; 9 July 1996, A/51/44, Concluding observations on second report, para. 65; 26 June 1993, A/48/44, Concluding observations on initial report, para. 283

64 25 August 2008, A/HRC/8/25/Add.1, Report of the Working Group: Addendum, paras. 28, 29 and 30



(British Overseas Territory)

BERMUDA

Child population (0-14): 12,341 (CIA World Factbook, 2011 est.)

Current legality of corporal punishment

Home (lawful): Article 266 of the Criminal Code (1907) confirms that the use of force "by way of correction" is lawful. Provisions against violence and abuse in the Criminal Code, the Children Act (1998) and the Domestic Violence (Protection Orders) Act (1997) are not interpreted as prohibiting corporal punishment in childrearing.

Schools (lawful): Article 23(1) of the Education Rules (2006) states: "The principal may impose immediate registerable penalties of suspension, corporal punishment or recommendation for expulsion for acts of violence or acts related to the possession, distribution or use of any controlled drug, alcohol, tobacco, knife or weapon on school premises or while in uniform on the way to or from school." According to article 24, corporal punishment should be inflicted by the principal or deputy principal, in the presence of another staff member, or vice versa, and should be inflicted by a person of the same sex as the child.

Penal system – sentence for crime (unlawful): Corporal punishment is prohibited in article 3 of the Abolition of Capital and Corporal Punishment Act (1999).

Penal system – disciplinary measure in penal institutions (unlawful): The Abolition of Capital and Corporal Punishment Act repealed provisions for corporal punishment in the Prisons Act (1979), the Prison Rules (1980), the Senior Training School Rules (1951) and the Young Offenders Act (1950).

Alternative care settings (lawful): Article 266 of the Criminal Code applies (see above). The UK Government has stated that in Bermuda corporal punishment "may not be used on any child in care, whether in a children's home or foster care",[65] but this appears to be policy rather than law.

Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (2008, 2000);[66] Committee on Economic, Social and Cultural Rights (2009, 2002, 1997);[67] Committee Against Torture (1998, 1996, 1993);[68] Human Rights Committee (2008, 1995)[69]

UPR (2008): UK Government stated it will continue to work in partnership with governments of the Overseas Territories, encouraging them to enact legislation to protect children.[70]

Law reform necessary to achieve prohibition in Bermuda

Repeal of the right to use force "by way of correction" (in Criminal Code); repeal of provisions authorising corporal punishment (in Education Rules); explicit prohibition of corporal punishment in the home, schools and alternative care settings.

65 Parliamentary answer to question asked by Baroness Walmsley, 19 December 2011

66 20 October 2008, CRC/C/GBR/CO/4, Concluding observations on third/fourth report, paras. 40, 41 and 42; 16 October 2000, CRC/C/15/Add.135, Concluding observations on initial report on Overseas Territories and Crown Dependencies, paras. 35, 36, 55 and 57

67 12 June 2009, E/C.12/GBR/CO/5, Concluding observations on fourth/fifth report, para. 24; 5 June 2002, E/C.12/1/Add.79, Concluding observations on fourth report, para. 36; 4 December 1997, CESCR/E/C.12/1/Add.19, Concluding observations on third report, paras. 16 and 28

68 17 November 1998, A/54/44, Concluding observations on third report, para. 74; 9 July 1996, A/51/44, Concluding observations on second report, para. 65; 26 June 1993, A/48/44, Concluding observations on initial report, para. 283

69 30 July 2008, CCPR/C/GBR/CO/6, Concluding observations on sixth report, para. 27; 27 July 1995, CCPR/C/79/Add.55, Concluding observations on fourth report, para. 8

70 25 August 2008, A/HRC/8/25/Add.1, Report of the Working Group: Addendum, paras. 28, 29 and 30

(British Overseas Territory)

BRITISH VIRGIN ISLANDS

Child population (0-14): 4,983 (CIA World Factbook, 2011 est.)

Current legality of corporal punishment

Home (lawful): Article 192 of the Criminal Code (1997) confirms the right of parents and others to administer punishment to children. Provisions against violence and abuse in the Children and Young Persons Act (2005), the Constitution (2007) and the Domestic Violence Act (2011) are not interpreted as prohibiting corporal punishment in childrearing.

Schools (lawful): Article 55 of the Education Act (2004) states that "degrading or injurious punishment shall not be administered" but permits the use of corporal punishment "where no other punishment is considered suitable or effective".

Penal system – sentence for crime (unlawful): Corporal punishment is prohibited in the Corporal Punishment (Abolition) Act (2000).

Penal system – disciplinary measure in penal institutions (unlawful): Corporal punishment is considered unlawful but there appears to be no explicit prohibition in law.

Alternative care settings (lawful): Article 192 of the Criminal Code applies (see above). The UK Government has stated that in the British Virgin Islands corporal punishment is not allowed in institutions and care settings[71] but this appears to be policy rather than law.

Law reform under way

In 2011, a new Prison Law and Prison Rules were being drafted, and as an OECS member state, the British Virgin Islands will have received the draft Bills of the Family Law Reform Project for consideration (see page 26). We do not know if prohibition of corporal punishment has been proposed in the context of these reforms.

Law reform necessary to achieve prohibition in the British Virgin Islands

Repeal of the right to administer punishment (in Criminal Code); repeal of provisions authorising corporal punishment (in Education Act); explicit prohibition of corporal punishment in the home, schools, alternative care settings and possibly penal institutions.

Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (2008, 2000);[72] Committee on the Elimination of Discrimination Against Women (2008);[73] Committee on Economic, Social and Cultural Rights (2009, 2002, 1997);[74] the Committee Against Torture (1998, 1996, 1993);[75] Human Rights Committee (2008, 1995)[76]

UPR (2008): UK Government stated it will continue to work in partnership with governments of the Overseas Territories, encouraging them to enact legislation to protect children.[77]

71 Parliamentary answer to question asked by Baroness Walmsley, 19 December 2011

72 20 October 2008, CRC/C/GBR/CO/4, Concluding observations on third/fourth report, paras. 40, 41 and 42; 16 October 2000, CRC/C/15/Add.135, Concluding observations on initial report on Overseas Territories and Crown Dependencies, paras. 35, 36, 55 and 57

73 18 July 2008, Part of A/63/38, Concluding observations on fifth/sixth report, paras. 280 and 281

74 12 June 2009, E/C.12/GBR/CO/5, Concluding observations on fourth/fifth report, para. 24; 5 June 2002, E/C.12/1/Add.79, Concluding observations on fourth report, para. 36; 4 December 1997, CESCR/E/C.12/1/Add.19, Concluding observations on third report, paras. 16 and 28

75 17 November 1998, A/54/44, Concluding observations on third report, para. 74; 9 July 1996, A/51/44, Concluding observations on second report, para. 65; 26 June 1993, A/48/44, Concluding observations on initial report, para. 283

76 30 July 2008, CCPR/C/GBR/CO/6, Concluding observations on sixth report, para. 27; 27 July 1995, CCPR/C/79/Add.55, Concluding observations on fourth report, para. 8

77 25 August 2008, A/HRC/8/25/Add.1, Report of the Working Group: Addendum, paras. 28, 29 and 30

(British Overseas Territory)

CAYMAN ISLANDS

Child population (0-14): 9,782 (CIA World Factbook, 2011 est.)

Current legality of corporal punishment

Home (lawful): The English common law defence of "reasonable chastisement" applies; article 226(7) of the Penal Code (2007 Revision) and article 41(8) of the Juveniles Law confirm "the right of any parent, teacher or other person having the lawful control or charge of a child to administer punishment to him". Provisions against violence and abuse in the Penal Code, the Guardianship and Custody of Children Law (1996 Revision) and other child laws do not prohibit corporal punishment in childrearing.

Schools (lawful): Article 30 of the Education Law (1999 Revision) states: "(1) Notwithstanding any other law to the contrary, corporal punishment may be administered to a pupil only where no other punishment is considered suitable or effective by the principal, and only by the principal or any teacher appointed in writing by him for that purpose. (2) Whenever corporal punishment is administered an entry shall be made in a punishment book which will be kept in each school for such purpose with a statement of the nature and extent of the punishment and the reasons for administering it." Articles 24 and 26 of the Education Modernisation Law (2009) prohibit corporal punishment in schools and early childhood institutions but as at February 2012 it appeared that the law had not been brought into force.

Penal system – sentence for crime (unlawful): There is no provision for judicial corporal punishment in the Penal Code, the Juveniles Law or the Youth Justice Law (2005 Revision).

Penal system – disciplinary measure in penal institutions (lawful): There appears to be no explicit prohibition of corporal punishment. Provisions for the court to order corporal punishment for offences against prison discipline were reportedly repealed in 1998.[78] However, as at February 2012, the Prison Rules (1999 Revision) in force included provision for corporal punishment (article 47).

Alternative care settings (lawful): Article 226(7) of the Penal Code, article 41(8) of the Juveniles Law and English common law apply (see above).

Law reform necessary to achieve prohibition in the Cayman Islands

Repeal of the right to administer "reasonable" punishment/chastisement (in common law, Penal Code, Juveniles Law); repeal of provisions authorising corporal punishment (in Education Law); explicit prohibition in the home, schools, penal institutions and alternative care settings.

Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (2008, 2000);[79] Committee on Economic, Social and Cultural Rights (2009, 2002, 1997);[80] Committee Against Torture (1998, 1996, 1993);[81] Human Rights Committee (2008, 1995)[82]

UPR (2008): UK Government stated it will continue to work in partnership with governments of the Overseas Territories, encouraging them to enact legislation to protect children.[83]

78 11 April 2000, CCPR/C/UKOT/99/5, Fourth/fifth report to the Human Rights Committee, para. 66

79 20 October 2008, CRC/C/GBR/CO/4, Concluding observations on third/fourth report, paras. 40, 41 and 42; 16 October 2000, CRC/C/15/Add.135, Concluding observations on initial report on Overseas Territories and Crown Dependencies, paras. 35, 36, 55 and 57

80 12 June 2009, E/C.12/GBR/CO/5, Concluding observations on fourth/fifth report, para. 24; 5 June 2002, E/C.12/1/Add.79, Concluding observations on fourth report, para. 36; 4 December 1997, CESCR/E/C.12/1/Add.19, Concluding observations on third report, paras. 16 and 28

81 17 November 1998, A/54/44, Concluding observations on third report, para. 74; 9 July 1996, A/51/44, Concluding observations on second report, para. 65; 26 June 1993, A/48/44, Concluding observations on initial report, para. 283

82 30 July 2008, CCPR/C/GBR/CO/6, Concluding observations on sixth report, para. 27; 27 July 1995, CCPR/C/79/Add.55, Concluding observations on fourth report, para. 8

83 25 August 2008, A/HRC/8/25/Add.1, Report of the Working Group: Addendum, paras. 28, 29 and 30

(British Overseas Territory)

MONTSERRAT

Child population (0-17): 1,184 (Statistics Department, Montserrat, 2012)

Current legality of corporal punishment

Home (lawful): Article 193(6) of the Penal Code (1983) and article 37 of the Juveniles Act (1982) confirm "the right of any parent, teacher or other person having the lawful control or charge of a juvenile to administer reasonable punishment to him in the course of normal parental or school discipline". Provisions against violence and abuse are not interpreted as prohibiting all corporal punishment in childrearing.

Schools (lawful): Article 49 of the Education Act (2004) states that "degrading or injurious punishment shall not be administered" but allows the use of corporal punishment "where no other punishment is considered suitable or effective, and only by the principal, deputy principal or any teacher appointed by the principal for that purpose, in a manner which is in conformity with the guidelines issued in writing by the Director".

Penal system – sentence for crime (unlawful): There is no provision for judicial corporal punishment in the Penal Code, the Criminal Procedure Code (2010) or the Juveniles Act.

Penal system – disciplinary measure in penal institutions (lawful): There is no explicit prohibition of corporal punishment, though the Prison Rules (2000) do not provide for it. We have no details of laws applicable to other penal institutions. The UK Government stated that corporal punishment is not used in these settings but did not identify prohibiting legislation.[84]

Alternative care settings (lawful): Corporal punishment is lawful under articles 193(6) of the Penal Code and 37 of the Juveniles Act (see above).

Law reform necessary to achieve prohibition in Montserrat

Repeal of right to administer "reasonable" punishment (in Juveniles Act, Penal Code); repeal of provisions authorising corporal punishment (in Education Act); explicit prohibition in the home, schools, penal institutions and alternative care settings.

Law reform under way

The OECS draft Bills (see page 26) were reviewed by the Legal Department in 2007 but there appears to have been no further progress.

Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: Committee on the Rights of the Child (2008, 2000);[85] Committee on Economic, Social and Cultural Rights (2009, 2002, 1997);[86] Committee Against Torture (1998, 1996, 1993);[87] Human Rights Committee (2008, 1995)[88]

UPR (2008): UK Government stated it will continue to work in partnership with governments of the Overseas Territories, encouraging them to enact legislation to protect children.[89]

84 Parliamentary answer to question asked by Baroness Walmsley, 19 December 2011

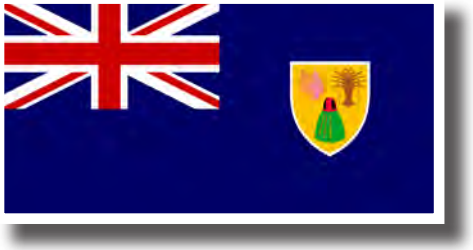
85 20 October 2008, CRC/C/GBR/CO/4, Concluding observations on third/fourth report, paras. 40, 41 and 42; 16 October 2000, CRC/C/15/Add.135, Concluding observations on initial report, paras. 35 and 36

86 12 June 2009, E/C.12/GBR/CO/5, Concluding observations on fourth/fifth report, para. 24; 5 June 2002, E/C.12/1/Add.79, Concluding observations on fourth report, para. 36; 4 December 1997, CESCR/E/C.12/1/Add.19, Concluding observations on third report, paras. 16 and 28

87 17 November 1998, A/54/44, Concluding observations on third report, para. 74; 9 July 1996, A/51/44, Concluding observations on second report, para. 65; 26 June 1993, A/48/44, Concluding observations on initial report, para. 283

88 30 July 2008, CCPR/C/GBR/CO/6, Concluding observations on sixth report, para. 27; 27 July 1995, CCPR/C/79/Add.55, Concluding observations on fourth report, para. 8

89 25 August 2008, A/HRC/8/25/Add.1, Report of the Working Group: Addendum, paras. 28, 29 and 30



(British Overseas Territory)

TURKS & CAICOS ISLANDS

Child population (0-14): 10,196 (CIA World Factbook, 2011 est.)

Current legality of corporal punishment

Home (lawful): "Reasonable chastisement" is permitted under English common law and article 5 of the Juveniles Ordinance (1968) confirms "the right of any parent, teacher or other person having the lawful control or charge of a juvenile to administer reasonable punishment to him". Provisions against violence in the Offences Against the Person Ordinance (1876) and the Criminal Law Ordinance (1969) are not interpreted as prohibiting corporal punishment in childrearing.

Schools (lawful): Article 33 of the Education Ordinance (1989) allows for corporal punishment to be used "where no other punishment is considered suitable or effective, and only by a person approved by the Minister for that purpose and only in the presence of at least two other teachers". It has been reported that the Minister has not authorised corporal punishment and it has not been used in schools.[90]

Penal system – sentence for crime (unlawful): Corporal punishment is prohibited in the Law Revisions (Miscellaneous Amendments) Ordinance No. 9 (1998), which abolished judicial corporal punishment and repealed all legal provisions for it.

Penal system – disciplinary measure in penal institutions (lawful): There is no provision for corporal punishment in the Prisons Ordinance (1990) and the Prisons Regulations (1995) but we have been unable to confirm that it is unlawful in all institutions accommodating children in conflict with the law.

Alternative care settings (lawful): Corporal punishment is lawful under the English common law provision for "reasonable chastisement" and article 5 of the Juveniles Ordinance (see above).

Law reform under way

The Turks and Caicos Islands is harmonising its national legislation with the Convention on the Rights of the Child, including through participating in the OECS Family Law and Domestic Violence Reform Project (see page 26). As at February 2012, it appeared that no new laws had been enacted.

Law reform necessary to achieve prohibition in the Turks & Caicos Islands

Repeal of the right to administer "reasonable" punishment/chastisement (in common law, Juveniles Ordinance); repeal of provisions authorising corporal punishment (in Education Ordinance); explicit prohibition in the home, schools, penal institutions and alternative care settings.

Human rights jurisprudence on corporal punishment

Treaty body recommendations/observations: : Committee on the Rights of the Child (2008, 2000);[91] Committee on Economic, Social and Cultural Rights (2009, 2002, 1997);[92] Committee Against Torture (1998, 1996, 1993);[93] Human Rights Committee (2008, 1995)[94]

UPR (2008): UK Government stated it will continue to work in partnership with governments of the Overseas Territories, encouraging them to enact legislation to protect children.[95]

90 28 February 2008, CRC/C/GBR/4, Third/fourth report to the Committee on the Rights of the Child, para. 53; Parliamentary answer to question asked by Baroness Walmsley, 19 December 2011

91 20 October 2008, CRC/C/GBR/CO/4, Concluding observations on third/fourth report, paras. 40, 41 and 42; 16 October 2000, CRC/C/15/Add.135, Concluding observations on initial report on Overseas Territories and Crown Dependencies, paras. 35, 36, 55 and 57

92 12 June 2009, E/C.12/GBR/CO/5, Concluding observations on fourth/fifth report, para. 24; 5 June 2002, E/C.12/1/Add.79, Concluding observations on fourth report, para. 36; 4 December 1997, CESCR/E/C.12/1/Add.19, Concluding observations on third report, paras. 16 and 28

93 17 November 1998, A/54/44, Concluding observations on third report, para. 74; 9 July 1996, A/51/44, Concluding observations on second report, para. 65; 26 June 1993, A/48/44, Concluding observations on initial report, para. 283

94 30 July 2008, CCPR/C/GBR/CO/6, Concluding observations on sixth report, para. 27; 27 July 1995, CCPR/C/79/Add.55, Concluding observations on fourth report, para. 8

95 25 August 2008, A/HRC/8/25/Add.1, Report of the Working Group: Addendum, paras. 28, 29 and 30

(Self-governing Commonwealth of the US)

PUERTO RICO

Child population (0-14): 751,232 (CIA World Factbook, 2011 est.)

Current legality of corporal punishment

Home (lawful): Article 208 of the Civil Code (1930) confirms the right of those with parental authority to "moderately correct" children. The Act for Safeguarding of Minors in the 21st Century (1999) confirms that those with parental responsibility have the "right and obligation" to "protect, educate and discipline the minor" (article 36(d)(2)). The same duty is specified in article 44 of the Comprehensive Child Well-being and Protection Act (2003). That Act aims to protect children from all forms of violence in the home, both "domestic violence" and "child abuse" , and puts a duty on the Government Department of the Family to promote "discipline without violence" (article 14), but it does not explicitly prohibit corporal punishment and it is unclear whether or not the law is interpreted as prohibiting all forms of corporal punishment in childrearing, however light.

Schools (unlawful): Article 3.09 of the Organic Act of the Department of Education of Puerto Rico (1999) prohibits corporal punishment.

Penal system – sentence for crime (unlawful): There is no provision for judicial corporal punishment in the Criminal Code (2004) or the Minors Act (1986).

Penal system – disciplinary measure in penal institutions (unlawful): Corporal punishment is considered unlawful but there appears to be no explicit prohibition in law.

Alternative care settings (lawful): There is no explicit prohibition and article 208 of the Civil Code, article 36(d)(2) of the Act for Safeguarding of Minors in the 21st Century and article 44 of the Comprehensive Child Well-being and Protection Act apply (see above).

Law reform necessary to achieve prohibition in Puerto Rico

Repeal/amendment of the right to "moderately correct/discipline" children (in Civil Code, Act for Safeguarding of Minors in the 21st Century, Comprehensive Child Well-being and Protection Act); explicit prohibition in the home and alternative care settings.

(Unincorporated Organised Territory of the US)

US VIRGIN ISLANDS

Child population (0-14): 21,356 (CIA Factbook, 2011 est.)

Current legality of corporal punishment

Home (lawful): The Virgin Islands Code (VIC 14.24.507, 1992) states: "Nothing in this Chapter shall be interpreted to prevent a parent, guardian, or person acting at the direction of a child's parent or guardian, from using reasonable and moderate physical discipline to correct, restrain or discipline a child."

Schools (lawful): The Virgin Islands Code states that principals and teachers in public schools have the same authority to discipline pupils as parents (VIC 17.11.130).

Penal system – sentence for crime (unlawful): There is no provision for judicial corporal punishment in the Virgin Islands Code.

Penal system – disciplinary measure in penal institutions (unlawful): Corporal punishment is considered unlawful under the provision for humane treatment of detainees in the Virgin Islands Code (VIC 5.3.III.401.4508), but there is no explicit prohibition.

Alternative care settings (lawful): Corporal punishment is lawful under the right of guardians to correct and discipline a child (see above).

Law reform necessary to achieve prohibition in the US Virgin Islands

Repeal of the right to use "reasonable and moderate physical discipline" (in Virgin Islands Code); explicit prohibition of corporal punishment in the home, schools, penal institutions and alternative care settings.

Key resources

Websites

UN Committee on the Rights of the Child
http://www2.ohchr.org/english/bodies/crc/
Details of states to be examined by the Committee, concluding observations and recommendations to states, state party reports to the Committee, General Comments on implementing the Convention on the Rights of the Child, and links to other treaty bodies and the UPR.

Global Initiative to End All Corporal Punishment of Children www.endcorporalpunishment.org
Continuously updated information on all aspects of ending corporal punishment – prominent supporters of prohibition, human rights law, global and regional progress, research, key resources, what law reform means, individual country reports, useful facts and figures, and more. Sign up online for RSS feeds to receive news of latest developments worldwide; email info@endcorporalpunishment.org to sign up for the bi-monthly e-newsletter and to receive specific advice on any aspect of law reform.

Churches' Network for Non-violence
www.churchesfornon-violence.org
Information on all aspects of faith based support for prohibition and elimination of corporal punishment, resources to support the promotion of non-violent childrearing through worship and prayer, details of developments and support for prohibition across the world and in all religions. Email info@churchesfornon-violence.org for specific queries and advice on working with faith groups.

Publications

The following key publications are available on the relevant websites above:

Campaigning for law reform to prohibit corporal punishment (Global Initiative, 2009) a series of seven summary briefings on all aspects of advocacy to promote prohibition

Campaigns Manual: Ending corporal punishment and other cruel and degrading punishment of children through law reform and social change (Global Initiative, Save the Children Sweden, 2010)

Ending corporal punishment of children: A handbook for working with and within religious communities (Churches Network for Non-violence, Global Initiative, Save the Children Sweden, 2011)

Ending legalised violence against children: Global report 2011 (Global Initiative, Save the Children Sweden, 2011)

General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (articles 19, 28(2) and 37, inter alia)" (UN Committee on the Rights of the Child, 2006)

Learning from states which have achieved prohibition (Global Initiative, 2011)

Prohibiting all corporal punishment of children: Frequently Asked Questions, adult and child versions (Global Initiative, 2009)

Prohibiting corporal punishment in schools: Positive responses to common arguments (Global Initiative, 2009)

Prohibiting corporal punishment of children: A guide to legal reform and other measures ("Legal Reform Handbook") (Global Initiative, 2009)

Hitting people is wrong – and children are people too. Corporal punishment of children breaches their fundamental rights to respect for their human dignity and physical integrity. Its legality breaches their right to equal protection under the law. Urgent action is needed in every region of the world to respect fully the rights of all children – the smallest and most fragile of people.

This regional report reviews progress towards prohibition of corporal punishment of children in all states and territories in the Caribbean – home to almost 8 million children – in the context of follow-up to the UN Secretary General's Study on Violence against Children.

For information about the UN Secretary General's Study on Violence against Children, see www.unviolencestudy.org

Global Movement for Children

Global Movement for Children in Latin America and the Caribbean: The following agencies and organisations which work in the promotion and defence of children's rights in Latin America and the Caribbean are members of the GMC-LAC: Childfund, The Christian Association of Youth (YMCA International), Defence for Children International (DCI), the Inter-America Children's Institute of the OAS, Latin America and Caribbean Network for the Defense of Children's and Adolescents' Rights (REDLAMYC), Plan International, RED ANDI (Network of news agencies for children's rights), Save the Children, SOS Children's Villages International, UNICEF and World Vision. The Global Movement for Children in Latin America and the Caribbean is a strategic alliance of regional organisations and networks that aims to promote the human rights of children within the framework of the United Nations Convention on the Rights of the Child, the Optional Protocols of the Convention and other international human rights instruments.

The **Global Initiative to End All Corporal Punishment of Children** was launched in Geneva in 2001. It aims to act as a catalyst to encourage more action and progress towards ending all corporal punishment in all continents; to encourage governments and other organisations to "own" the issue and work actively on it; and to support national campaigns with relevant information and assistance. The context for all its work is implementation of the Convention on the Rights of the Child. Its aims are supported by UNICEF, UNESCO, human rights institutions, and international and national NGOs.

www.endcorporalpunishment.org
email: info@endcorporalpunishment.org

Global Initiative to
End All Corporal Punishment of Children