



Global Initiative to
End All Corporal Punishment
of Children

BRIEFING ON ST VINCENT AND THE GRENADINES FOR THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, PRESESSIONAL WORKING GROUP – Feb/Mar 2013

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The human rights obligation to prohibit corporal punishment – a key strategy in eliminating all forms of violence

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

This briefing describes the legality of corporal punishment of children in St Vincent and the Grenadines. In light of General Recommendation No. 19 on Violence against women (1992), the links between corporal punishment of children and all other forms of violence including gender-based violence, the recommendations of treaty monitoring bodies, we hope the Committee on the Elimination of Discrimination Against Women will:

- **raise the issue of corporal punishment of girls in its List of Issues for St Vincent and the Grenadines, asking what progress has been made towards prohibiting and eliminating corporal punishment in all settings, including the home, and**
- **recommend to St Vincent and the Grenadines, in the concluding observations issued in the absence of a report, that corporal punishment is explicitly prohibited in all settings, including the home, as a matter of priority.**

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

1 The state party's report to CEDAW

1.1 St Vincent and the Grenadines is being examined by CEDAW in the absence of a report.

2 The legality corporal punishment of children in St Vincent and the Grenadines

2.1 *Summary:* In St Vincent and the Grenadines, corporal punishment of girls and boys is lawful in the home, schools, and care settings; for boys it is also lawful as a sentence for crime and in penal institutions. Bills drafted by the Organisation of Eastern Caribbean States (OECS) and circulated to member states, including St Vincent and the Grenadines, provide key opportunities to enact the necessary law reform to protect girls and boys from this form of violence.

2.2 *Home:* Article 8 of the Juveniles Act punishes ill-treatment of children but allows for 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. The OECS Children (Care and Adoption) Bill (2007), under consideration by the attorney-general, in its original draft does not prohibit corporal punishment but could be amended to include prohibition.

2.3 *Schools:* Corporal punishment is lawful 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.

2.4 *Penal system:* Legislation explicitly provides for corporal punishment for boys as a sentence for crime and in penal institutions.

2.5 *Alternative care settings:* Corporal punishment is lawful under article 8 of the Juveniles Act (see above).

3 Recommendations by human right treaty monitoring bodies and during the UPR

3.1 *CRC:* Following examination of the initial state party report in 2002, the Committee on the Rights of the Child recommended prohibition of corporal punishment in all settings, including the home, schools and other institutions.²

3.2 *HRC:* In 2008, the Human Rights Committee recommended prohibition of corporal punishment in the penal system.³

3.3 *UPR:* When St Vincent and the Grenadines was reviewed in the first cycle of the Universal Periodic Review in 2011 (session 11), recommendations were made to prohibit corporal punishment of children in the home, institutions and all settings: the Government rejected the recommendations.⁴

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
www.endcorporalpunishment.org; infoendcorporalpunishment.org
January 2013

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

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

⁴ 11 July 2011, A/HRC/18/15, Report of the working group, paras. 79(9) and 79(10)